A REVIEW OF THE COVENANT:

WHEREIN

The Original, Grounds, Means, Matter and Ends of it are Examined:

AND

Out of the Principles of the Remonstrances, Declarations, Votes, Orders and Ordinances of the Prime COVENANTERS, the firmer Grounds of *Scripture, Law, and Reason* disproved.

BY

GERARD LANGBAINE D. D. and late *Provost* of *Queens Colledge* in *Oxford.*

HOSEA 10. 4.

They have spoken words, swearing falsly in making a Covenant: *thus judgement springeth up as hemlock in the furrows of the field.*

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A REVIEW OF THE COVENANT.

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AN ADVERTISEMENT TO THE READER.

THe worth of Doctor *Langbaine* late Provoſt of *Queens* Colledge in *Oxford* is ſo well known to all, not only at home, but abroad, that to ſet off this Work 'tis ſufficient onely to prefix his Name thereunto; The Author, beſides other Pieces, having ſo famous a Rhetorician as *LONGINUS* to commend him, I ſhall forbear to ſpeak any thing below the merit of ſo excellently a learned perſon.

This Treatiſe compoſed by him in the heat of our late Civil Commotions, when the pen was no leſs active then the Sword, and each of them ſo furiouſly contended for Victory over the adverſe party, his prudence would not then ſuffer him Publickly to own; as for other reaſons, ſo perhaps becauſe of ſome harſh expreſſions againſt the framers of this Covenant, which his zeal to his Majeſties righteous Cauſe did againſt his moderate Genius prompt him to. But had it not by ſome ſiniſter accident miſcarried in it's firſt birth, it might, in all probability, have proved an effectual means to compoſe thoſe unhap-

py differences, which had fallen out amongst us, at leaſt to withdraw ſuch as had not loſt their judgement with their Loyalty, from a cauſe, whoſe foundation muſt needs therein have appeared to rotten. The ſuppreſſion therefore of ſo uſeful a piece is to be look't upon as no ſmall part of the publick Calamity of thoſe times wherein it was written, and it's loſs muſt have been prejudicial to our's, wherein though we have ſeen the Covenant reduced to aſhes, yet even thoſe aſhes may be fruitful of iſſue, no leſs monſtrous then it's Parent. The Covenant paſſes ſtill with ſome for a Martyr, in whoſe eſteem neither the Infamy of a publick burning by the Common Hangman's hand can leſſen it's reputation; Nor yet the publick Cenſure of an entire Parliament (whereas it was ſcarce a half one that gave it life) diminiſh it's authority; men that for ſeveral years have been Catechized by it in Rebellion, we find ſtill obſtinately wedded to their former dangerous Opinions, which doubtleſs where they remain will not be idle, but upon all occaſions readily put forth themſelves into act, to plunge us into our former miſeries. Now to extirpate Rebellion *ROOT* and *BRANCH*, and to free us from the ſad Conſequences of thoſe pernicious Doctrines which the Covenant teaches: Let this Learned and judicious Refutation ſerve, which gives us it's perfect Anatomy in all the parts thereof. There is much reaſon to hope that ſuch as were formerly cheated into it by it's cunning Contrivers, and had not time, nor perhaps ability to diſcover the ſandy foundation that ſupported it, may by peruſing this Treatiſe be convinced of, and perſwaded to relinquiſh their former Errour; Others ſecure themſelves from being hereafter abuſed in matters of the like nature; which was the Author's prime intent in penning, and is mine, in republiſhing this Review.

THE

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P. C.

A Review of the Covenant.

CHAP. I.

By what means the Covenanteers were reduced to the neceſſity of entring into this Combination, confeſſed to be their laſt Refuge.

When the danger is once over, to reflect upon the many miſeries they have undergone, may haply afford ſome ſmall comfort to ſuch as ſhall eſcape: but ſo long as we groan under the preſent diſtempers, and can diſcern no probable end of our ſufferings but with our ſelves, it is but a ſad contemplation to look back upon our former peace, and enquire by what ſleights we were fooled out of ſo happy a condition. He that found the poor man ready to periſh in the bottom of the pit, and was more inquiſitive how he fell in, then ſolicitous to uſe means how to help him out, expreſſed a greater meaſure of curioſity then Charity.

It ſhall therefore be my chiefeſt endeavour to reſcue, if I may, the many ſeduced Souls out of that pit of Deſtruction into which they are already plunged. The danger of thoſe courſes that led them thither, was wiſely foreſeen (*a*) and timely forecold by His Majeſty; but *urgentibus Imperium fatis, ſalutares Dei atq; bonæ admonitiones ſpernuntur.*

(*a*) *vide* Exact Collection of all Remonſtrances, Declarations, &c. between the Kings Majeſty and the Parliament. pa. 61, 103, 127, 164, 182, 251, & 381.

If the Contrivers of these great Tropicks in Church and State had at first, γνωῖ τῇ πόλει, acquainted us with their designes, we should have been afraid to owne, and ashamed to abet them. No question but what comes last in execution, was first in their intention. The subversion of Government, as well Civil as Ecclesiasticall, was the prime aim of those Architects of State, who were to erect their private greatnesse upon the publique Ruines. For whom it had been in vain to strike immediatly at the face of Majesty, or talk of pulling up *Root and Branch* the first day. At the beginning of our Parliament it was with the common People of this Land, as once with the Roman Souldier, *Miles longo Cæsarum Sacramento imbutus, ad destituendum Imperatorem, arte magis & impulsæ quàm suo ingenio traductus.* The tye of Allegiance which had been ever held sacred, and the many blessings of a long Peace, enjoyed under his Majesty and his Royall Father, would not, without the help of Arts and Industry, suffer them to make a suddain defection from their Loyalty. Their nature therefore, fatally inclined to change, must be cunningly wrought upon by an odious representation and malicious aggravation of some past grievances; their dull restive spirits must be conjured up by those two vulgar Charms, *Religion* and *Liberty*; they are commanded to believe *this* is destroyed, and *that* endangered: So to bring them out of love with their present condition, and make them venture a certain happinesse for uncertain hopes.

By what degrees they were disciplined and broken to a perfect Rebellion, I forbear to rehearse. But if the Covenanting Members yet remaining at *Westminster* (of whom onely I desire to be understood through this discourse) be the same men that managed the Cause from the beginning, and were the true Authors of all those Declarations and Remonstrances fathered upon one or both Houses of Parliam. I crave leave once more to put the Kingdome in mind of what they were told before, [b] how they had *brought their Worke to such a height and degree of Success, that nothing seemed to be left in their way able to hinder the full accomplishment of their desires, unlesse GOD in his Justice should send a grievous curse upon them.* When we lay this profession of theirs in the ballance with His Majesties Answer to that very Declaration,

[b] Declarat. of May 19 1642. E C. p. 213. vid. & p. 16. & 186.

tion, c where he desired *his actions might no longer prosper, then they were directed to the glory of God, and the maintenance of true Religion*; and weigh withall, Their strength and His weaknesse at that time, he having but a few men to guard him, lesse money to pay them, nothing at all to arm them, save a good Cause, the only thing that his adversaries wanted; and see how the Scales are turned since, how they are enforced to call in forein assistance, and verifie their own prophetick fear of invasion; we cannot but acknowledge His Majesty found that *blessing* which he desired, but whether it were the *curse of God* that thus far hindered the *accomplishment of their desires*, we are not forward to pronounce.

c Ex Coll. p. 255.

After they had been twice foyled by His Majesty, first by His Pen, and since by His Sword: when writing and fighting would not serve the turn, they fell to vowing and swearing, their City-Covenants led the way, and to bring on the *Scots*, this National follows: which their own elect d Orator tels them, *As it is the last Oath they are like to take in this kind, so it is their last Refuge. Tabula post naufragium. If this help them not, they are like to remain till their dying day an unhappy People.*

d M. *Nye* in his Exhort. Cov. with a Narrative. p. 21.

This then being (as is supposed) their *Achilles*, upon which the fate of *Greece* depends, I have adventured to encounter it. Though I must confess the minds of all men being long ago pre-engaged, and the grand controversie not likely to be decided by any other dispute, then of the sword: Discourses of this kind are much out of date. Nor can I conceive what other great advantage they can make of this Covenant, unless it be to enrich themselves by the injust spoils of some few men resolvedly honest, who by refusing of it shall give testimony to the world, that they value the salvation of their souls, above that of their Estates. As for those many softer tempers, who may be won by perswasions, or forced by constraint to the taking of it, they will no sooner have opportunity to free themselves from those inducements, then they will hold themselves freed from any obligations laid upon them by this Oath, which is no other then a band of iniquity, as I shall endeavour to prove by this ensuing Discourse.

CHAP. II.

The Grounds of the Covenant, and false Assertions laid down in the Preface, disproved.

THe more sacred any Ordinance is in it self, the more prodigiously Sacrilegious is their sin, who would abuse it to injust ends. Such are all those who traiterously affected to the King of Heaven, without any warrant from his Law, upon false suggestions and surmises of their own, dare counterfeit his Sign Manual, a *Vow*, and affix his Great Seal, an *Oath*, to any illegal Ordinance of their own invention.

a Covenant with Narrative. p. 28.

The Preface to this Covenant, if it be no part of it, (as a Master *Henderson* saith it is) yet it contains the grounds of it; which ought to be so true & evident, as might be fit foundations to build a Solemn Oath upon; so unquestionably certain, that at least the Covenanteers themselves should not doubt of them. Wheras here they present us with almost as many untruths as lines, and some of them such as themselves know and confess to be false.

1. For it is not true, that *all sorts of Commons* in the three Kingdoms, either yet have, or probably ever will take this Covenant; not that it is indeed, what is here insinuated, and commonly given out, a National Covenant between the Kingdoms. When the Covenanteers in the close, declare their desire to be humbled *for their own sins, and the sins of these Kingdoms*; as they put a distinction betwixt their sins, so must they admit a vast difference betwixt themselves and these Kingdoms, of which they are but an inconsiderable part; I mean for their worth, and I hope for their number too.

2. It is not true, that all those who take the Covenant upon their own Principles, *Live under one King*; the States of *Scotland*, and the two Houses in *England*, are commonly affirmed to be above the King, at least Coordinate with him. His authority is b said to reside with them, *though the person of* Charles Steward *be not there*. This indeed makes them Kings, but not *one King*, so long as *England*

b Mr. *Wards* Analysis of the Covenant.

England and *Scotland* are not one Kingdom. As for other inferiour Covenanteers they must be Subjects, but whether to *one*, or the *many Kings*, let it be thus tried. King *Charles* Commands they shall not swear this League, the many Kings Command they shall; and their Subjects they are to whom they obey.

3. It is not true that all the Covenanteers are *of one reformed Religion.* [c] The *Scots* have often Petitioned for *unity in Religion*, and [d] professed there can be *no hopes of it, till there be first one form of Ecclesiastical Government*: this being not yet effected amongst themselves, they must not pretend to be of one Religion.

[c] Edenb. Jan. 4. 1642.
[d] 3. *Andr.* May 3. 1642. E. C. p. 598, 599, & 600, 602.

4. It is not true that in making this Covenant they could have all those goodly things *before their eyes*, which they here boast of. *Vision* is properly of things present; the *Liberty and Peace* of *England*, and *Ireland* could not be visible to them through *the deplorable Estate* of the one, and the *distressed Estate* of the other Kingdom. But if they meant the phrase in a figurative sense, yet am I loath to believe they looked upon the *Glory of God, and the honour of His Majesty* with the same eye. That they intended to make him a glorious God, in the same sense, they endeavour to make his Majesty a Glorious King.

5. It is not true that they did, or could possibly *call to mind the plots, attempts, and practices against* the true Religion, and professors thereof, which have been *in all places ever since the Reformation.* It is now above sixscore years since *Luther* first broke the ice, no doubt many plots have been against our Religion, or the Professors of it, some perhaps bare plots, stifled in the womb, & never known but to the plotters; others might come to the birth, *attempts, and practices*, but at such a distance of time and place that none of the Covenanteers could be privy to them then, or were acquainted with them since; either never committed to story, or those Histories not now extant, or at least not read, not observed, or forgotten by the Covenanteers, who therefore cannot now *call to mind the plots in all places ever since the Reformation.*

6. And if they have not done so, then is the succeeding position likewise false, they did not enter into this Covenant *after mature deliberation.* Surely two or [e] three days after the first proposal was too short a time to ripen such a Deliberation. But if it must

[e] Order of the Commons. Sept. 25. 1644.

be held an essential mark of malignancy, not to swallow without chewing whatsoever is offered by such hands who pronounce the sentence by that Law, *Qui dubitant, desciverunt*. If any one Covenanteer be truly guilty of such a politique rashness, as to swear upon trust, that others have *maturely deliberated, though he have not*, his default is sufficient to make all the rest lyars, who in that case cannot truly say, *We of all sorts, calling to mind the Plots in all places, resolved, after mature deliberation, Swear*, &c.

7. If it were agreed, who are the greatest *Enemies of our Religion*, we should be better able to judge of *the increase and exercise of their power and malice*. Upon that principle which the *Scots* have taught us, *No unity in Religion without unity in Ecclesiastical Government*; we must conclude against the Covenanteers, that they who swear *to extirpate the Government* are Enemies to the Religion of the Church of *England*. But if they intend by *Enemies*, the King and Bishops, and other misnamed Malignants, whom they traduce for an intention of subverting Religion, it is a calumny, as void of truth as full of malice; nothing was ever denied by his Majesty, or opposed by his Followers, which might conduce to the settlement of the true Reformed, Protestant Religion. And if it be such a permanent truth, that when ever any man swears this Covenant, *The power of these Enemies is at that time encreased*; I wish they would consider what a strange Enemy they have to deal with, who grows stronger by their opposition, *Qui sapius vinci potest, quam illis vincere*: and take heed they be not given up to incureable blindness and hardness of heart, that they cannot see, or will not acknowledge the hand of God working against them, and themselves fighting against God.

8. It is not true, that their *Supplications, Remonstrances, Protestations, and Sufferings* have been any *means to preserve themselves or their Religion from destruction*. First, for *Supplications*: we have not heard of any from *Ireland* without effect, save such as are put upon the Covenanteers score. Nor have the *Scots* been repulled in any desires which concerned themselves; it was their crime, which is our misery, they would needs be *in alienâ Republicâ curiosi*. And such *supplications* as have been presented in the name

name of this Kingdome, were either for fashions sake, desiring the Kings consent to things they resolved to do without it; or after the rejection of that gracious Message of *January* 20th. which might have prevented all those unreasonable demands inflicted upon since; *Non ita assequerentur, sed causam seditioni.* To send an Army to present a Petition, was a strange addresse of Subjects to their King. Nor need they impute their Remonstrances of all the conceived errours in Government, or their *Protestations to defend his Person*, accompanied with a [f] Declaration against his sincerity in Religion, and resolution to *hazard their lives* against Him and his Army, which the very next day they performed accordingly: but if *supplications* and *sufferings* were truly *meanes*, why do they not continue to *supplicate*, since they have no right to command? Why do they not (like Christians) rather *suffer* still, then offer wrong? Rather submit to the Laws in force, then by violence compell their Soveraign to receive new ones from them?

[f] Octob. 22. 1642. E. C. p. 663.

9. Their Resolution to enter into this League, *for the preservation of themselves and their Religion from utter ruine and destruction*, implies a double untruth, that both they and it may be utterly destroyed. Though our Bodies and Estates have been long exposed to the perill of destruction; yet our souls are shot-free, we may take our Saviours word for it; and *Animus cujusque est quisque.* [g] When *Pandora*'s box of feares and jealousies was first set open, we were told of dangers though we could see none then, save that it was certain ruine for any man to think he was not in danger; but we have now too just cause to believe their predictions, who by that artifice got so much power into their hands as is sufficient to undo the Kingdome; and by this Covenant vow so much obstinacy as not to entertain any thoughts of peace till either that be done, or they perish in the worke: and if they shall, yet will their Religion (if it be that which they professe, the true Protestant) never faile, for *Magna est veritas & prevalebit*: [h] the gates of Hell shall not prevail against it; [i] it is founded upon a Rocke, and all the Enemies of God cannot overthrow it, [k] because it is of God.

[g] Mat. 10. 28.

[h] Mar. 16 18. [i] & 7. 27. [k] Acts 5. 39.

10. The pretended truth of that which follows is obtruded upon

upon the people to ſerve for a ſhooing-horn to draw on the Covenant, which is falſly affirmed to be *according to the commendable practice of theſe Kingdoms in former times.* The Subjects of *England* never entered into a ſworne Covenant, ſuch as this is, either amongſt themſelves, or with other Nations. If the late Rebels in *Ireland* did any ſuch thing, none but equall Rebels will think their Example worthy of commendation. So then, if neither *England* nor *Ireland* ever did the like, then not *theſe* Kingdoms *Scotland* onely remains, the neer and neighbouring Example whereof (*l*) Maſter *Henderſon* propoſeth to our Covenanteers, *as worthy their beſt obſervation*, he would not ſay imitation: for Examples are the weakeſt Arguments; and in matters of doubtful right thoſe that urge them commonly go beyond their Copy. It is but a poor defence, *Societatem alieni criminis innocentiam vrcare.* Nor will the late *Scots* Covenant, 1538. ſerve to juſtifie this now.

l Covenant with a Narrative. p. 28.

For firſt, in relation to themſelves, there is a great difference in the occaſion then and now. Their Religion and Liberties they *then* affirmed to be invaded; *now* they cannot pretend any ſuch matter.

Secondly, for the efficient cauſe, that Covenant was made only betwixt Subjects of the ſame Kingdome; but this is a League amongſt People of different Countries and Laws.

Thirdly, that was not without ſome ſtamp of royall Authority; being alleadged to be the ſame for ſubſtance with the generall Band, formerly ſubſcribed and allowed by King *James*, 1580. and enjoyned by ſeverall Acts of Councill and generall Aſſembly 1581, 1590 and to juſtifie their explanations upon it many Acts of Parliament were produced. But this is wholly contrary to the Kings Command, and ſome part of it againſt the whole current of *Engliſh* Parliaments.

4ly, The main matter in both, *Epiſcopacy*, though it was ſuppoſed or ſuggeſted to be againſt Law in *Scotland*, yet [m] was not required to be abjured, but the practice of it forborn, and the matter referred to a free generall Aſſembly. Whereas here, though it be ſo deeply rooted in our Lawes, that no man can tell what is Law without it, it is vowed to be utterly extirpated, and that without

m Miniſters Anſwe to the 4. Dem. of the Doct of *Aberdeen.*

without the advice of the Clergy in Convocation, without a free Convention of both Houses in Parliament, without His Majesties Assent or Approbation.

Fifthly, for manner of prosecution, [n] the *Scots* then professed to perswade, not enforce men to Covenant; disclaimed all threatnings, but of Gods Judgements; all violence, but of reason. Whereas [o] now if their greatest Peers do *post-pone* or *refuse* to take this Covenant, all their goods and rents must be confiscate, and their persons made incapable of any benefit or office in the Kingdom.

Lastly, the case in *England* and *Scotland* is not now the same; the edge of those Laws which were formerly urged against them, is taken off by a late [p] Act of Parliament. Whereas our Laws stand yet in full force, and no man can be assured but the King may one day recover so much strength as to put them in execution.

11. The next Assertion being equally false is equally destructive to the foundation of this Covenant; which is not (as is affirmed) *according to the example of Gods People in other Nations*; which Text if we expound by [q] M. *Hendersons* Comment, either of the *Israelites* of old, or the Protestants in *Germany* and the *Low Countries* of later times, it will but serve to set out the ignorance or impudence of the Contrivers.

It is true, the *Jews* made many [r] Covenants, but none like to this. For 1. All theirs were terminated within themselves; they did not vow the Reformation, much less *extirpation* of any *Common Enemy*, *Syrians* or *Babylonians*, of another Nation or Religion; for which yet they might have a better colour then our Brethren of *Scotland* now have. 2. The object of their Covenants was not like this of ours: no pretended Priviledges or disputable Liberties in matter of State, nor any conjectural fancies, or probable opinions in point of Religion: but either an universal obedience to the whole Law, or a more strict observance of such particular Precepts, wherein they found themselves most defective. 3. No one of their Covenants was ever sworn against the will of the Magistrate, but always at the personal command and example of their Supreme, or at least subordinate Rulers, not oppo-

n *Ibid.* Answ. to the first Demand. & Answer to the first Reply.

o Ordinance of the Committee of Estates, *No.* 6. 1643.

p 2. Parl. of K. Charles. Act. 89.

q Covenant with Narra. p. 28.

r *vid.* Gen. 17. 7. Deut. 29. 12. Josh. 24. 23; 25. 2 Chron. 15. 8, 12 & 23. 16. & 29. 10. & 34. 31, 32. Neh. 5. 14. & 10. 1, 28, 29.

sed

fed but countenanced by the Supreme. A circumstance which had it ever been omitted by them, might have been thought lesse necessary, in regard the matter of their Covenant was alwayes enjoined by God himself.

Next, for *Germany*, we must remember, that Countrey is of a much distant constitution from the Kingdome of *England*. Many Princes, and some Cities there, do not acknowledge the Emperours Supremacy, as we do our Kings; yet never made any such Covenant as this against him. The first and principall by the Protestants at [f] *Smalcald*, was not of sworne Subjects against their Soveraigne, but together with their Princes, *for mutuall defence onely, not to offend any*. And their last Covenant in the Pacification at [g] *Passaw*, after much effusion of blood, and the ruine of many Noble Families, ended in this, that *no man should be troubled for his Religion*, whether *Romanist* or *Reformed*.

[f] 1530. & 1535. Sleidan. Com. lib. 7. & lib. 9.

[g] 1552.

Lastly, the highest strain that I meet with in any Covenant made by the Protestants in the Low Countries, is no more then this, [h] *To defend themselves, and oppose the Inquisition*. They never vowed to extirpate either Popery or Prelacy, though the Prelates were of a different Religion; but in some of their [u] Covenants bound themselves to preserve them; and plead in their Petitions for the expediency of tolerating divers Religions in the same State. Nor can I but admire the confidence of that Orator, who would impose upon his Honourable and Reverend Auditors a thing so contrary to all experience, urging the example of those Countries for extirpation, whose constant and continued practice in the toleration of all Religions is almost without example.

[h] Strad. hist. lib. 5. Meteran. lib. 2. pag. 44.

[u] Idem. lib. 6. pag. 177. lib. 7. pag. 194. lib. 8. pag. 295. lib. 9. pag. 217, 227, 228. lib. 9. pag. 239, 248.

If this be not enough to disprove the truth of this ground, their own Writers, [x] M. *Henderson*, M. *Nye*, and M. [y] *Mocket*, shall witness against it, who with one mouth confess this Covenant to be *such a thing as they never read nor heard of, nor the World ever saw the like*. Is it not then *according to the former practice of these Kingdomes, nor the example of Gods People in other Nations*. Onely the *Holy League* in *France*, which some of our Covenanteers so much disclaim, was so fully parallel to this in all circumstances, that if I had leasure to confront them, the Reader would say, *Bishop* and *Bacchus* were not more alike.

[x] Covenant with a Nar. p. 12. & 19.

[y] View of the Covenant. p. 15.

[y] M. *Wad.*

I could

I could with a wet finger, out of the Authentick Histories of that League, derive the whole pedigree and progresse of this, and point out thence the main Heads and particular Insinuations of such Remonstrances and Declarations as ushered this Monster into the world. ——*Sed sputis disclusus iniquis*
Præterco.——

Thuanus Davila, &c.

CHAP. III.

The unlawfulnesse of this Covenant in respect of the Cause Efficient; as made by Subjects against the will of their Superiour, in such things as necessarily require his consent.

HAving discovered the grounds of the Covenant to be false, we may well presume the superstruction it selfe is rotten and ruinous; as will more fully appear upon a strict survey of all its causes and ingredients.

First, in respect of the *Cause efficient*, which is the parties *covenanting*, *swearing*, *vowing*, and *inter-leaguing* one with another, the unlawfulnes of it does appear in this, that it is made by such as are, or should be what they professe, *Subiects all living under one King*, not only without any leave obtained, or so much as once desired, but contrary to the known will, and expresse command of this their lawful King; and that in such matters whereto his consent and approbation is necessarily required, without which they could neither lawfully take it at first, nor after his dislike is made known to them, ought they to persist in it, so as to hold themselves bound by it, though the matter of it were in it selfe otherwise just and good. For without controversie the parties Covenanting, as to some parts of this Oath, are as much subject to their supreme Head, the King, as the daughter to her father, or the wife to her husband. I shall not here need to question whether the King be *Minor Universis*, it will serve the turne if he be *Major Singulis*, for in this Oath *every man* sweares *for himselfe*, as a private person, not in any publique capacity. If then by the

a Numb. 30. Law of God, the vow of the daughter or wife was so farre in the power of the father or husband, that he might confirm or cancel it, as he pleased; and God refused to accept of it from the woman, unlesse the man, to whom she was subject, did ratifie and allow it. Upon the same ground of subjection, though the matter vowed in this Covenant were not otherwise unlawfull, yet being such wherein the parties vowing are and ought to be subject to the King, it is in his power to irritate their Oath, to declare it void and null, and if they persist in it, they sin.

2. This shews the Covenant to be unlawfully taken, but much more unlawfully obtruded upon others as a new solemn Oath, which they have no authority to impose that do it. The same singing, by which they dismounted the late Canons, and discharged that Oath, will serve to fetch off any Ordinance of Lords and Commons commanding this. That *a new Oath cannot be imposed without an Act of Parliament*, was a Truth so undoubted by the two Houses, that they insist upon it twice in one lease of the same

b Ex. Coll. p. 859, 860. b Declaration. Their c petitioning his Majesty to passe an Act for

c Ibid p. 908, 910. establishing a new Oath, and that he would be pleased to enter into a more strict allyance with some Neighbour Nations, are sufficient convictions of their want of Authority in themselves either to impose a new Oath upon the Subjects of this Kingdome, or to enter into a new League with those of another, unlesse the consent of his Majesty be first obtained.

3. If any private Men, Town, City, or County, may lawfully take this Covenant of their own accord and free will (which is the way to ingratiate themselves the more) then in other cases of the like kind, they may at any time of their own accord, without any command from Superiours, enter into a League of mutuall defence with other Countries, and binde themselves by a solemn Oath to performance. And then farewell, not onely the ancient Authority of the King, but that modern Privilege of Parliament, which claimes, that d *no County can binde it self without their*

d E C p 628, *consent*.
& 823.

But if all the Kingdome be therefore bound to take this new Covenant, because it comes to them as commanded by the two Houses, though there were no Law for it before, then must all our

Histories

Hiſtories be purged, all our Law-books taught to ſpeak another Language, and all thoſe Declarations revoked, wherein the Lords and Commons of this Parliament, ſo many e times diſclaimed all power of making any new Laws without his Majeſties conſent. 715.

e E. C. p. 270.

CHAP. IV.

The matter of the Covenant examined, and proved firſt to be againſt Truth.

NExt to the *Efficient*, we ſhall ſurvey the *material* Cauſe of this Oath, and allow it fair trial by the Laws of God and the Land. If it be endited upon the Text of *Jeremie* 4. 2. It will be found guilty in the higheſt degree, as deſtitute of all thoſe conditions required to a lawful Oath, *Truth*, *Judgement*, and *Righteouſneſs*.

For the firſt, though this be for the main a *Promiſſory Oath*, to the formal Truth whereof, as ſuch, no more is required but that the meaning of the parties ſwearing be truly conformable to the words of their Oath; that they truly intend to perform what they ſwear: yet is not the whole frame of it meerly promiſſory; ſome aſſertions are interwoven, either actual or vertual, by way of implication: which may be juſtly ſuſpected for want of *Truth*, and if that be proved upon any one of them, all the Covenanteers are *ipſo facto*, guilty of perjury. I ſhall but point at ſome particulars.

I. Thoſe words wherein they ſwear the *Preſervation of Religion in the Church of Scotland*, do imply that the Religion of that Church is in all the particulars there mentioned, *Doctrine*, *Worſhip*, *Diſcipline*, *and Government*, *according to the Word of God*. Which is juſtly doubtful in ſome, and flatly falſe in others.

1. The *Doctrine* of that Church, ſo far as it is diſtinct from their opinions concerning Diſcipline and Government, and other matters of practice, I have no purpoſe to quarrel. I acknowledge the ancient Articles of their publique confeſſion for true; but if by

Doctrine they understand all the modern explanations and other doctrinal positions which have issued from their General Assemblies in later times, I could bring more instances and more objections against the truth of these Doctrines, then I know how to answer. But I forbear to make the wound wider then necessity requires.

2. As touching their manner of *Worship*, if we should deny, they would be hard put to it, to prove those formes which they use in Marriage, Baptism, the Lords Supper, Publique Prayer, Preaching, Catechizing, and other of Gods Ordinances to be *according to his word.*

3. Much less their *Discipline* and *Government*, *by Classes* and *Assemblies*, higher and lower, which they pretend to be *jure divino* and perpetual. Some of their ablest Scholars have acknowledged their moveable temporary Deacons, not to be consonant to divine Institution. And, if we might be admitted to argue before equal judges, we should go near to prove as much against their ruling Elders, which first justled the Superintendents, and since the Bishops out of that Church. If they will submit to that rule, the Presbytery, in Scripture, must submit to Episcopacy: that at best was but a Delegacy under the Apostles, who were in right the primitive Bishops, and from whom ours challenge by undeniable succession.

II. When they swear the *Reformation of Religion in England, in Doctrine*, as well as Discipline, *according to the word of God*; they falsly imply that our Doctrine is erroneous, and not according to the word. Which though it be scandalous to us, is advantageous to the Covenanteers. The Articles of our Church most true in themselves, cannot be wire-drawn and forced to comply with their designs, and therefore no wonder if they desire to have them altered. They must therefore let the Dial by the Clock, and seeing the present Doctrine of the Kingdom condemns their practice and opinions, they must so far reform it, that it shall not contradict them.

When a new Assembly of Divines must be convened, to tell the People such things are according to the word of God, which all men knew to be contrary to the Law of the Land, seeing the Royal

Royal aſſent could not be obtained to authorize a Convention of ſuch Perſons, and in ſuch an uncouth illegal way as was deſired, it was inavoidably neceſſary, that the Doctrine of our Church in the 21. Article ſhould be reformed, which teacheth, *That Councils may not be gathered together, without the commandment and will of Princes.*

When they are reſolved to extort thoſe rights from their Sovereign by force, which he is unwilling to part with upon entreaty, then 'tis fit the 35 Article be reformed, which confirmes the *Homily againſt Rebellion, as containing Godly and wholſome Doctrine, and neceſſary for theſe times.* In truth never ſo neceſſary for any times as theſe, the like whereof *England* never ſaw before.

When they have vowed the extirpation of Epiſcopal Government, *Root and Branch*, is it not high time to reform the 32. Article which talks of Biſhops, Prieſts and Deacons? much more the 36. which addes Archbiſhops, and confirmes the book of Conſecration and Ordination?

When that Doctrine muſt be inſtilled into the people, that the King is no more then the Prince of *Orange*, or the Duke of *Venice*, only *Major ſingulis* but *minor univerſis*, and that when his commands and thoſe of one or both Houſes are different, theirs muſt and ought to be obeyed, as with whom the ſupreme power doth reſide; then ſurely a Reformation of the 37. Article is indiſpenſably and eminently neceſſary, by which the Subjects have been led into that dangerous and deadly Hereſie, that has coſt ſo many thouſand lives, *That the Kings Majeſty hath the chief power in this Realm of England, unto whom the chief government of all* (not only particular perſons, but) *Eſtates of this Realm, whether they be Eccleſiaſtical or Civil*, (not in ſome caſes only, but) *in all cauſes doth appertain.*

Laſtly, when they were to take ſuch an Oath as this, whithout the conſent and againſt the command of the Magiſtrate, ſo utterly deſtitute of all the conditions required to a Lawful Oath, they could do no leſs then reform the 39 Article, which requires thoſe conditions. So that it cannot be denyed, but they have ſtrong inducements to reform the Doctrine, as well as the diſcipline and Government of *England*, & as they vow them both in one clauſe,

ſo

ſo perhaps they intend them both in one ſenſe; the Reformation of Doctrine as well as Government muſt be a totall Extirpation of Branch and Root; we muſt not have one chip left of the old block.

III. Their ſwearing the firſt Article to this end, *that they may live in Faith, and that the Lord may be one amongſt them*, implies that before, and at the time of their entrance into this Covenant, they neither lived in *Faith*, and ſo were Infidels; nor was the Lord one amongſt them, and ſo without God in the world; which I hope is not true. But if faith be here taken for obedience, (as ſometimes it is) or for an aſſent to the truth of that doctrine which is [a] acknowledged by the world for the *Confeſſion of Faith of the Church of England*: ſo I grant their late and preſent demeanour is a ſufficient demonſtration, they have not *lived in* that *faith*. And I confeſſe we have been told in effect by ſome of their fore-runners, that the Lord is not one where Prelacy is not extirpate. [b] *That the true Church of Chriſt conſiſteth of Saints Covenanted with God & themſelves, having power to Chriſt and all his Ordinances; which the Aſſemblies of* England *want; being violently compel'd to ſubmit to another Chriſt of the Biſhops deviſing; and ſo are no true Church. For the true viſible Church is but one, as the Baptiſme but one, & the Lord but one, John* 10. 16. This was the ſcandalous imputation of the *Browniſts* upon our Church, in the beginning of their ſeparation; and it is a ſhame and miſery we ſhould live to ſee it confirmed by a Solemn Oath.

IV. When they ſwear in the ſecond Article *to extirpate Prelacy*, and that for this end, *leſt they be partakers in other mens ſins*; this implyes not onely that Epiſcopacy is a ſin, which is an errant untruth; but that if they ſhould not labour for the extirpation of it in ſuch a violent manner as they do, they ſhould be guilty of that ſin. This conceit was the main ground of Separation both to the ancient *Donatiſts* and our modern *Browniſts*; they both imagined, that if the Church be any way ſtained with corruption in Doctrine or Diſcipline, her Communion is hatefull and defiled, and that whoſoever joynes with her is [c] *partaker of her ſinnes, and ſo in danger of her plagues*. Which is certainly falſe; our Saviour did not partake in the ſinnes of the *Jewes*, yet he did communicate with

[a] Harmon. Confeſſ.

[b] Countermarch to Mr. *James* his Retreat, 1607.

[c] *Ibid.* & Proteſtation proteſted, *page* 14.

with them. So long as we neither command nor counsell a sin to be done, nor consent to the doing of it, nor commend it when it is done, but barely permit it (though it be naturally, yet if it be not legally in our power to hinder it) we are no way guilty of it. God himselfe doth permit sin without sin. And if any man will be a Reformer without a Commission, he must look to be checked with a *Quis requisivit?* *Israel* sinned not by staying in *Ægypt*, nor *Lot* by remaining in *Sodom*, till the Lord sent *Moses* to call them, and the Angel to fetch him out. It was their affliction, but not their fault to see those unrighteous dealings of their Neighbours, which did vex but not pollute their righteous souls. All sinne is to be avoyded, but not by all means; some are possible which are not lawfull. Death is a certain cure for all distempers, but a man may not kill himselfe to avoyd intemperance, nor make away his Children in their infancy to prevent the sinnes of their age.

The President of the New Assembly with his twenty Assistant Brethren have published some truths in this Argument, which might have been of singular use had they come in time, sufficient to stop that current of blood which hath flowed from other principles then that which they now Preach to others, but do not practise themselves. d They tell their more zealous Brethren, who (having conspired with them to extirpate this Government, and sworn *every man to go before another in the example of a reall Reformation*) begin to gather themselves into Church-societies, *Although it be the duty of all the Servants of Christ to keep themselves always pure from corruption in Religion, & to endeavor in an orderly way the Reformation of it, yet it is an undoubted Maxime that it belongs to Christian Magistrates in an especial manner to be authorizers of a such a Reformation.* If this Maxime had been as well followed as it was known, we had never had a Rebellion to make way for a Reformation. How can they without blushing talk of an *Orderly way* to others, who know their call and sitting to reform where they do is altogether disorderly?

d Considerations to dissuade men from further gathering of Churches. Decemb. 23. 1643.

But suppose the sins of Government did involve every one of our Nation in a common guilt; what is this to the *Scots*? Though *Israel* offend, no necessity that *Judah* should sin. They may have

ſins enough of their owne to reekon for, though they ſhould not ſwear that thoſe of another Kingdome ſhall be put upon their ſcore: and yet they do it, by vowing to extirpate *Biſhops*, &c. *leſt they be partakers in other mens ſins.*

V. That which they have undertaken to maintain is not truly called in the ſixth Article, *The common Cauſe of Religion, Liberties, and Peace of the Kingdom*. The many Sects and indifferent opinions among the Covenanteers, and the reiterated deſires of the *Scots* for unity in Religion, abundantly prove that the ſame *Religion* is not *common* to them all. And *de facto* the *Religion, Peace and Liberties* of *England* and *Ireland* have been diſturbed, when the *Scots* enjoyed all theirs without oppoſition; and may do ſo ſtill, unleſſe they will thruſt their fingers into the fire when they need not. The *Cauſe* of one Kingdom is not *common* to another though they be in ſubjection to the ſame King. *Philip* the ſecond, might have done well to grant a toleration to the Proteſtants in the *Low Countries*, though he had reſolved never to allow the like in *Spain*. And His Majeſty, by reaſon of his neceſſary abſence from thence, may have granted ſome Liberties to *Scotland*, which if he ſhould do in *England* would be in [e] diſherison to the Crown.

[e] vide 27. Hen. 8. c. 24.

VI. In the laſt Article, *they profeſſe and declare to the World their unfeigned deſire to be humbled for their own ſins*. Which profeſſion the World, that ſees onely their Actions, will ſcarce admit to be true. For it may well be conceived that the chiefe Heads among the Covenanteers are the ſame that projected the *Nineteen Propoſitions*, whence the world will conclude rather an ambitious *deſire* in them to be exalted, then any *unfeigned deſire to be humbled*.

Beſides, it is not unknown to the World, that, among other Sects which ſwarm in that great City where the Covenant is ſo generally taken, the *Antinomians* for number are not contemptible, of whoſe Creed this is a fundamentall Article; That *God ſees no ſin in his elect*, ſuch as they take themſelves to be; and they would think it a derogation to the ſatisfaction of Chriſt, ſhould they be guilty of *an unfeigned deſire to be humbled for their ſinnes*: If any thus opinionated have taken this Covenant, he makes the reſt lyars as well as himſelf.

VII.

VII. Lastly, though it cannot be denyed, but *the present distresses and dangers of these Kingdomes are the fruits of their sinnes*, yet to undertake (as they here do) to determine for what sins in particular God is pleased to inflict these Judgements upon us, is an Act of State proper for such as are of Council to the Almighty, and should not be avowed by a solemn Oath, without a speciall warrant by Revelation. Besides, I do not find such a Harmony betwixt this Confession of sins here, and that formerly published in the f *Ordinance for Humiliation.* And it is not long since the Assembly informed their two Houses, that *impunity* was the cause of those reigning sins, Incest, Adultery, Fornication, Blasphemy, *&c.* but they forbore to tell us who were the cause of that impunity; were not they who pulled down those Courts where such sins were punishable?

f Feb 15. 1642. E. C. p 917.

Amongst other provoking sinnes they make this one, *that we have not laboured as we ought for the purity of the Gospell.* I am afraid there is a bad designe lurks under these good words, which the Covenanteers are now in *labour* of, probably the introducing of the long ago pretended *holy Discipline*, or some like Monster already Christened before it be borne, by the name of *Purity* and *Reformation.* If so, then is it false, that *the not labouring for such a Purity is any cause of our present distresse.* For in all Queen *Elizabeth* and King *James* his Reign, and the first fifteen yeares of King *Charles*, for fourscore years together, though we wanted this pretended *Purity*, yet we wanted not *the happinesse of a blessed Peace.* Which in the judgement of our g *English Solomon* is a strong evidence, *that God was well pleased with that form of Religion established by Law.* Yet was he informed then, as Queen *Elizabeth* had been before, by the frivolous suggestions of some light Spirits, of divers errours both in Doctrine and Discipline, which stood in need of Reformation. Nor did we ever groane under the heavy hand of God, as at this day, till men of like humours upon the same grounds, have re-enforced those opinions by the Sword, which their Predecessors failed to make good by Discourse.

g K. *James* his Proclamation for Uniformity, 1. *Jacobi. March* 5.

These things if they be not all formally false, because in some sense they may be true; yet being not certainly true, they are all

guilty of a vertuall falshood, because in some sense they are false: and seeing no man can know in what sense he ought to swear them now, or shall be required upon his *Oath* to believe them hereafter, he cannot therefore sweare them in *truth* and *judgement*.

CHAP. V.

That this Covenant, by reason of the many ambiguities in it, especially this, Who *shall be the authentique Interpreter of it, cannot be sworne in judgement.*

I. EVery Oath ought to be conceived in such familiar language as may be least obnoxious to misconstruction; and though few or none can be so voyd of obscurity, but a man, disposed to quarrell with words, may easily find himselfe matter to work upon. Yet in other Oaths, all doubts of this nature may be quickly removed: for when a Vow or an Oath is taken by any man of his own accord, he knows in what sense he meant it at the time of emission, and in that he is bound to make it good.

But when an Oath is imposed by the authority of another, the taker is bound in that sense which the Imposer meant it, so as it be not repugnant to the ordinary signification of the words, and such as may rationally be presumed to be intended by that authority.

But if any man shall conceive the words of an Oath to be meant by the imposer in such a sense as he would not willingly swear, but can frame to himselfe a different construction of them, according to which only he will take the Oath, and resolves to be bound by it: this will no more excuse him from perjury, then if he should make all the Vows, and take all the Oathes in the world, with an actual intention not to be bound by any of them; which is utterly contrary to the nature of all of them.

II. Upon these premises, I inferre that the present Covenant cannot be sworn in *judgement*; not so much because it is clogged with many doubtfull clauses, which may be common to it with other Oaths, as because it is infested with

with this one fundamental doubt proper to it self, *Who shall be the authentique Expositor of it?*

It should seem here in *England*, by their way of proposal at first, not commanding it by *Ordinance*, but recommending it by their own Example, and [a] requiring the Ministers *to explain it to the people*, that the Members at *Westminster* desired it should be a free Vow, and then every Covenanteer must be his own Interpreter, notwithstanding the many inconveniences that must ensue upon it. For every man abounding in his own sense, instead of swearing union, they shall swear division; and by their Vow to preserve all such as take the Covenant in the same words, they shall be obliged to destroy all such as take it in a contrary sense to themselves.

[a] Orders of Commons Sep. 25. 1643.

But if this be an Oath imposed by the Authority of the remaining Members at *Westminster* for *England*, the Convention of Estates for *Scotland*, & I know not who for *Ireland*, the clearing of all doubts must in equity depend upon the Imposers intentions. This ministers occasion to many other doubts: as first, whether the States in *Scotland* & ours of *England* did not at first intend some material clauses in several senses, and whether hereafter their expositions may not interfere, and neither being superiour to other, what must be done? Secondly, whether all the Members of both or either House in *England*, nay, whether the greater part of them, did upon the taking of the Covenant, concur in the same sense? if not, it cannot be any way obligatory as according to the sense of the Houses. Thirdly, if there were a full agreement of the *major* part present in the same sense at the first taking, yet hereafter, when they shall come to expounding, the *major* part then may declare themselves in another sense then was first intended; for either some other Members may come in by that time, & concurring with the now *minor*, make a *major* part; or some of the present *major* part may die, or be removed or be absent, or alter their opinions, and so vary the sense of the Houses, especially in that great business of Reformation in Doctrine and Government, concerning which, neither the two Houses nor their assistant Divines, as themselves [b] confess, are yet agreed. Fourthly, if it shall hereafter appear that the major part at the time of their taking and

[b] Consid. of the Assembly. Dec. 3. 1643.

impoſing this Oath did underſtand it in one ſenſe, and the *major* part at the time of declaring ſhall expound it in another, it muſt be doubted in whether ſenſe it ſhall be obligatory. And laſtly, if the greater part of Lords ſhall declare it in one ſenſe, and the greater part of the Commons in another, whoſe Declaration muſt carry it? Upon the reſolution of theſe doubts it will appear, that many well meaning Covenanteers, whiles they laboured for ſuch a Reformation as themſelves conceived to be according to Gods Word, were zealouſly perjured, by not endeavouring it in that ſenſe which the Houſes will declare was only intended.

III. This main doubt being premiſed, which has an influence upon all the reſt, I ſhall only mention ſuch others as I am perſwaded the chief Covenanteers themſelves are not agreed upon. Where firſt I conceive in the top branch of this Covenant, it is not only doubtful wherein the *Doctrine* and *Diſcipline* of *Scotland* conſiſts, which are here ſworn to be preſerved, but how far the preſervation of them is intended, and who are meant by *common Enemies*. Since the ancient Confeſſion of that Church has been ſo much improved by modern explanations, and all theſe confirmed by a National Oath, ſince their Diſcipline is ſuch a myſtery that many of themſelves are not fully agreed upon it; ſince their firſt and ſecond Book of Diſcipline contain ſeveral platformes, and the Contents of thoſe four Volumes of the Acts of General Aſſemblies ratified at *Glaſgow*, are not yet publiſhed, it is a hard caſe that any man ſhould be forced to ſwear to preſerve what no body knows.

IV. Next, I cannot tell where to fix that Character of *common Enemies*, which Maſter *Henderſon* obſcurely paraphraſeth *Syriars* and *Babylonians*; [c] and Mr. *Nye* more expreſs, but not more ſatisfactory, tels us that *Popery and Prelacy are the chief*. For conſidering Church-government in *England* & *Ireland* is by Epiſcopacy, and that of *Scotland* by the Presbytery, this Covenant being ſuppoſed to be taken by all the three Kingdoms, it follows that neither Papiſts nor Prelates are enemies to both Governments, who ſtifly maintain the one to be of Divine or Apoſtolical Inſtitution; but the Separatiſts are *common Enemies*, who hold a diſtinct Forme of Paſtoral and Independent Government to be univerſal-

[c] Covenant with Nar. p. 17.

universally enjoyned by the Word of God, and both Episcopacy and Presbytery to be humane inventions and Antichristian.

V. I am sorry I should be forced to question what is meant in the next Clause by the *Doctrine*, *Worship*, *Discipline*, and *Government* of *England*? Whether that which has been constantly avowed by this Church, and accepted for such by other Nations? Or if that *Government* be already abolished by the *Votes* of both Houses; if the life and soul of that *Discipline* be taken from it by new *Expositions* made upon the late Act for taking away the High Commission; if that Form of Publique *Worship*, the Book of *Common Prayer* be suspended by an *Order*; if the ancient *Doctrine* be already altered in part or in whole by the extemporary *Declarations* of an upstart Assembly; if these *Declarations*, that *Order*, those *Expositions*, those *Votes* be indeed binding to this whole Kingdom (as the Covenanteers pretend they are) it will be impossible for them or any man to affirme what is now *the Doctrine*, *Worship*, *Government*, and *Discipline of the Kingdom of England*; there being no General Form left, in which the Kingdom is any way required, or supposed to agree, and the particular Formes may be as many and different as the persons and opinions of the Reformers.

VI. Those words following, [*According to the Word of God*] are in themselves very material, and the misapplication of them is a matter of great consequence. I doubt whether they ought to be restrained to the Clause immediately foregoing, touching Reformation of Religion in *England* and *Ireland*; or *Sir Iohn*, they must be extended to the preservation of Religion in *Scotland* too, and so every Covenanteer be bound to maintain that the *Scots* Discipline and Church Government is *according to the Word of God*. I am confident the *Scots* themselves do now intend them, and will hereafter expound them in this sense; and I raise that confidence upon these reasons. First, because the General [d] Assembly of that Church, with the assent and concurrence of the [e] Lords of Secret Council in that Kingdom, have declared to our two Houses, that *their Kirk-Government by Assemblies, higher and lower, is* jure divino, *and perpetual*. Secondly, because in that form of this Covenant which came from *Scotland*, the words

[d] S. Andr. Aug. 1. 1642. E. C. p. 598.
[e] Edenb. Aug. 18. 1642. E. C. p. 599.

words ran thus, *Preservation of Religion in the Church of Scotland, in Doctrine, Worship, Discipline, and Government according to the word of God.* Now upon the other part there is equal reason to believe, that not only many particular *English* Covenanteers, as possessed with an opinion of another Government, but that our Lords and Commons at *Westminster* do not in this point concur with the sense of the *Scots*. For first, they [f] declare (in answer to that Declaration of *Scotland*) that *one Forme of Church Government will hardly be obtained in all his Majesties Dominions, unless some way might be found for a mutual debate in framing that one Forme.* Whence it must be collected that the *Forme* they aim at is not yet *framed*, and therefore not that which the *Scots* practise. Secondly, their reforming that draught of the Covenant agreed upon in *Scotland*, and reducing that Clause, [*According to the word of God*] to a more proper place, and swearing in their new project of Reformation, to have an eye not only to Gods Word, but to the example of other Reformed Churches, without any expression of, or restriction to that of *Scotland*, do perswade with me, that our *English* Covenanteers do not conceive the *Scotish* Discipline and Kirk-Government to be *according to the Word of God.*

[f] Ex. Coll. p. 602. 603.

VII. Their Vow to extirpate *whatsoever shall be found contrary to sound Doctrine and the power of godliness*, points at some new discovery not yet made; I would be resolved who are designed for that inquisition; how far their Commission shall extend, and by what rules they must pronounce, what *Doctrines* are *sound*, what rotten, what they must take to be *contrary to the power of godliness*, what not. If Bishops be upon the file, either because some have too much enlarged the *Philacteries* of their Authority, or have been otherwise personally faulty; or because Superiority and distinction of degrees amongst the Clergy are discovered already to be contrary to sound Doctrine and the power of godliness: The same grand Enquest of *Middlesex* which found the Bill against Episcopacy may impannel hereafter, and upon the same evidence find against Magistracy. The same Arguments which set the Rooters on work, will find them more employment when this is done; when their hands

hands are once in, they may proceed for a through Reformation to extirpate all Civil superiority, all distinction of Lords and Gentlemen. They who put these reasons into the mouthes, and that power into the hands of so many known *Anabaptists*, may be too weak to wrest it from them when their own turn is served.

VIII. In the third Article, I balk the Priviledges of Parliament, so mysterious and intricate as no man dare undertake to state them truly, and onely take notice of that passage, where they swear *to preserve and defend the Kings Person and Authority, in the preservation and defence of the true Religion, and Liberties of the Kingdomes.* If his Authority were as well known as his Person, yet might it well be doubted, how farr these words intend the preservation of one or the other. [g] Mr *Ward* (in behalf of the Covenanteers) gives two expositions of them for sureness; either that *we swear to defend his Person and Authority, so long as he defends our Religion and Liberties*; (which is not so much as they swear to do for any ordinary person that takes this Covenant: For they vow in the sixt Article, absolutely, *to defend all those*; but here they undertake no more then barely *to endeavour to defend the King*). Or Secondly, that *in defending Religion and Liberties we do defend His Majesties Person and Authority*; yet may it so fall out, that what they do, or intend for His defence, may truly tend to His destruction. And this we must confess is not common to His Majesty with the rest of His people; who (as it seems) has these two Prerogatives left yet unquestioned, that as the Kings Commands, and none but His, may be disobeyed by the Kings Authority; so his sacred Person, and only His, may be destroyed in His own defence.

g Analysis of the Covenant.

IX. It is further to be observed in the frame of this Oath, that contrary to the method of the general Protestation, the Priviledges of Parliament (whatever they be) have got precedency of His Majesties Person; which alteration surely was not without cause. It is therefore a doubt very necessary to be resolved, when the certain safety of the Kings person comes in competition with any of their real or pretended *Priviledges*, which is to be preferred? Whether by this Oath they are not bound in such a case rather to suffer his person to perish, or actually to destroy him, then violate any such *Priviledge*, or leave it unpreserved.

X. I likewise doubt what manner of *liberties* those are which the Covenanteers aim at, seeing they have never yet claimed any as due by Law, which were denyed them. I meet with a new word much in request of late in some *Scottish* papers, *The States*; and though it hath been naturalized by Act of Parliament in *England*, I am not yet willing to understand it.

When our men would caress the *United Provinces*, they apply the word to this Kingdom; and tell those *High and Mighty Lords* when they complain of that assistance which His Majesty received from thence, [b] *We cannot believe it was done by any direction from their Lordships; neither can we think that they will be forward in helping to make us Slaves, who have been useful and assistant in making them Freemen.* Whence we may well be jealous that by *Liberties of the Kingdoms* they intend no less then those of the *Low Countries*; and till they can attain to be such *Free States*, in their own opinion they are no better then *Slaves*.

b Ex. Coll. p. 636.

XI. When they make it a part of their Oath, to bring all Malignants to such punishment *as the supream Judicatories of both Kingdoms respectively shall judge convenient*, it should seem they have lost a Kingdom already, for τὰ τρία πάντα, they begun with three Kingdoms, and now here are but two left; I will suppose *England* to be one: And here it will be a grand doubt to determine which is the *supream Judicatory*. [i] Whether in some cases the Kings Ordinary Courts of Justice be not supream? Whether the House of Commons be a Judicatory at all? [k] Whether the House of Lords be in all cases? Whether, if they differ in their judgement, either of them be supream, (and which that is) or both, or neither? Whether, if they should both concur in matters of universal concernment to the whole Kingdom, without or against the King, they ought to be reputed Supream? Whether if His Majesty should concur with them, in things concerning Reformation of Religion, (the main business of this Covenant) the joynt assent of the [l] Clergy be not regularly required by the Laws of this Kingdome? If this one question about the Supream Judicatory were rightly stated, perhaps all other doubts would not be tanti. But this still depending, we are left to uncertain resolutions for all the rest.

i Vid. 1 Hen. 4. c. 14. & 4. H. 4. c. 23.
k 14 Ed. 3. c. 5.
l 24 H. 8. c. 12. 1 El. c. 1. 24 H. 8. c. 19.

XII. In the close of the Covenant, it is very uncertain who they

they mean by thoſe *other Churches groaning under the yoak of Antichriſtian tyranny*. Surely none more then thoſe of the *Romiſh* Religion, who acknowledge the *Popes* Supremacy. Yet Maſter [m] *Henderſon* applies it rather to other Reformed Churches, *which* (as he ſays) *when they ſhall hear of this bleſſed Conjunction, it will be no other than the beginning of a Jubile and joyful deliverance unto them from the Antichriſtian yoak of tyranny*. Who thoſe Reformed Churches are, I profeſs I do not yet underſtand, unleſs that Civil Dominion which their natural Princes of the *Popiſh* Religion exercise over them be reputed by the Covenanteers a yoak of *Antichriſtian tyranny*.

[m] Covenant with Nar. p. 32

CHAP. VI.

That the performance of ſundry Clauſes in this Covenant, cannot be without grand inconvenience or injuſtice.

RIght Reaſon will dictate that we ought not to make ſuch a promiſe as cannot be performed without manifeſt inconvenience; and Religion will add, that it were a ſin in ſuch caſes to bind our ſelves by a ſolemn *Oath*. Many things in this Covenant though they be not ſimply impoſſible, nor abſolutely unjuſt, *in toto genere*, yet in many caſes they may prove to be ſo, and therefore cannot be ſworn *in righteouſneſs and judgment*. If I make good this charge againſt it, then muſt it be acknowledged a raſh, indiſcreet, and therefore a ſinful Vow.

I. If a quite different form of Church-Government from that of *Scotland* be approved by the *Word*, or at leaſt conceived to be ſo, then all ſuch as are ſo conceived (as amongſt the Covenanteers not a few) cannot with a ſafe conſcience ſwear to preſerve that Government in any Church, which they are perſwaded is not *according*, but contrary *to the Word of God*.

Again, the *Diſcipline* and manner of *Worſhip* uſed in *Scotland* are not only alterable in themſelves, but confeſſed to be ſo by the [a] Doctrine of that Church: therefore it is unlawful to ſwear to preſerve them by a ſolemn Oath, which might be *majoris boni impeditivum*

[a] Conf. Scot. Artic. 20.

impeditivum. This inference will be no news to the House of Commons; it was urged with much vehemence, and heard with approbation against the late Oath enjoined by the Canons. (*b*) My Author concludes by a *dilemma*, that whosoever takes such an Oath, *inavoidably falls upon a rock of perjury; either for saving his Oath he must deny obedience to the King, or by obeying the King he must break his Oath.*

b First argument against the Canons, p. 17.

Master *Nathaniel Fiennes*, a better Orator than Souldier, upon the same Argument discourseth thus, (*c*) *It is against the Law and light of Nature, that a man should swear* never to consent to alter (that is not so much as the Covenanteers here swear, constantly to endeavour to preserve) *a thing which in its own nature is alterable, and may prove inconvenient, and fit to be altered:* And in case the *Scots* should think fit, upon any occasion to alter some parts of their Discipline, or Ceremonies in their Worship, whether must our *English* and *Irish* Covenanteers endeavour to resist any such alteration, or sit still and let them take their course, holding the *Scottish* perjury sufficient to excuse their own?

c Second Speech, p. 13.

II. When they swear to cut out their intended platforme of Reformation by a double pattern; first of *Gods Word*, and then of the *best Reformed Churches*, the latter might have been well spared; it was added, without any necessity, but not without much inconvenience. For suppose there were two *best Reformed*, (certainly less than two cannot pretend to the name of *Churches*) which must they conform to? Or if there be but one *best*, how shall they know which it is?

If *Discipline* hold the same course with *Doctrine*, and must be prescribed by Gods Word, more then one Form cannot be admitted. There may be many errours, but one Truth; many by-wayes, but one right. But if in *Discipline* and *Worship* for certain, and perhaps in some things concerning Government too, the Scripture have not so fully and evidently defined, but some doubts are left which require a further determination; Who shall be Judges in this case? Must we sit upon all other Churches, and pronounce against them, uncalled, unheard? Or, seeing it is a point wherein they are all equally concerned, shall they be equally admitted to Vote with us? And when they are all met, at least

by

by their Delegates, ſhall it be referred to moſt voices to determine, *Which Church is beſt Reformed*? Then what if ſome two or three; nay, what if all have equal voices, each Delegacy voting for their own Church, as it is moſt likely they will, who ſhall have the caſting Voice? We are now where we begun, unleſs haply the *Iriſh* Church will ſit down to the *Engliſh*, and ſo we may carry it by a double Vote. Or rather ſhall that Church be taken for the *beſt reformed* upon whom the moſt ſecond Voices do concur, the firſt being commonly the child of affection, but the ſecond the off-ſpring of judgement? So, not improbable but our Church might carry it again; for I could produce the teſtimonies of many Authours of beſt note in other Reformed Churches, very liberal in their commendation both of the Doctrine and Government of the Church of *England*.

Or if it were a thing eaſily to be agreed upon, which Church is the *beſt reformed*, it might not be fit to ſwear Conformity to that example: the *beſt* that is, is not the *beſt* that may be. The *beſt* exiſtent may have ſome errours as well as faults, and therefore no abſolute pattern for Reformation. What is *beſt* to another Church, may not be *beſt* for us. What is *beſt* for one time and place, is not ſo for another. No neceſſity then to reform according to the *beſt example*, if it were agreed upon. And till it be ſo, it had been beſt for us, theſe troubles excepted, to ſtay where we were.

I conceive the reaſon of this addition (wherein they go leſs, having before ſworn to *reform according to Gods Word*, afterwards ſwear to do it *according to the example* of other Churches) to have proceeded from the *Scots*, who having no better plea from Gods Word than others, will yet challenge our Covenanteers upon this Clauſe to declare them the *beſt reformed Church*; or otherwiſe why did they abjure their own, and ſwear to preſerve the *Scotiſh* Church Government? which though it be none of the *beſt*, yet our men have thus farre followed the *Scotiſh* Example, not of any other Reformed Church. Some want Biſhops, becauſe they cannot tell how to have them, their Princes being of a different Religion, will allow none but of their own. Some enjoy the Thing under another name of *Superintendents*.

Some are willingly without them, becauſe ſetled in ſuch a Government as they find moſt ſuitable with a popular State, and dare not venture upon a change. But I have not heard of any Church, the *Scottiſh* excepted, which ever caſt out her Biſhops by violence, if they were of the ſame Religion, and vowed to root them out by the ſword, contrary to the Law and command of the Supream Magiſtrate. If *Scotland* be not in this an example to our men (as ſome of their Apologetiques profeſs they are not) then I am confident this courſe of Reformation is without example in the ſight of men; I wiſh it be not without excuſe in the eyes of God.

III. In the next Clauſe I doubt the *Scots* have put another ſlur upon the reſt of our Covenanteers, who having got them firſt to ſwear the preſervation of *the Doctrine, Worſhip, Diſcipline and Governments in the Church of* Scotland, have induced them ſince to vow their endeavours *to bring the Churches of God in the three Kingdoms to the neareſt conjunction and uniformity in all theſe particulars*. For there being no means immaginable by which this neareſt *Conjunction* may be obtained, but either by a mutual condeſcention of all the three Churches, or an abſolute ſubmiſſion of ſome two to the third: all hopes of condeſcending in *Scotland*, by the former part of the Oath, being taken away, it remains that the other two muſt totally ſit down and ſubmit to the *Scots*. Only endeavour fully to inform themſelves what the *Doctrine, Worſhip, Diſcipline, and Government* of the *Scottiſh* Kirk is, and then they have no more to do but conform to it.

Again, Though a tolerable uniformity in all the three Kingdoms were much to be wiſhed, and by all lawful means to be endeavoured; yet the very *neareſt conjunction* is not fit to be ſworn. That excludes all variety, not only in *Confeſſion of Faith*, and Form of Eccleſiaſtical *Government*, but in rites of *Worſhip*, and rules of *Catechizing*; for if any difference be admitted, the conjunction is not ſimply *neareſt*.

Nor perhaps is ſuch an abſolute *uniformity* morally poſſible. All men will never be of one mind: and therefore a mutual toleration in ſome things may conduce more to the preſervation of the Church then a violent conformity. The Apoſtles times had their

their differences; and ſo long as we hold to one *immoveable, irreformable Rule of faith* (as *Tertullian* calls that ſhort Creed) *Cetera jam diſcipline & converſationis, admittunt novitatem correctionis.* And if the *neareſt conjunction* be not poſſible, ſure it is not neceſſary; if it were ſo, the Scripture, which is not deficient in neceſſaries, would not only have propoſed fitting directories, but preſcribed ſet forms unto us, and limited the times, places, and manner of worſhip. Which our Saviour has not done, being willing (as it ſeems) to leave every Church at Liberty to conſult with her own occaſions or neceſſities, and accordingly to conſtitute as ſhe ſhould find in Chriſtian prudence to be moſt convenient for the exigency of the times, diſpoſition of the place, and temper of the People. The uſe of which liberty we have both practiſed our ſelves, and allowed in other Churches.

It muſt here be remembred that this very thing which is now ſworn, *to bring all the Kingdoms to an uniformity*, is nothing elſe for ſubſtance then what was intended by King *James*, and attempted by King *Charles*; and that upon better grounds then now it is: they having both more authority to enjoyn it, then the preſent Covenanteers can juſtly challenge; and preſuming to meet with leſs oppoſition, then theſe have found. For, whatſoever hath been declared ſince; the buſineſs which theſe two Princes went about, (to ſettle Epiſcopacy, and a Common form of Worſhip and Diſcipline in *Scotland* conformable to thoſe in *England* and *Ireland*,) was not at firſt affirmed by any to be ſo deſtructive to the Laws and Liberties of that Kingdom, as the now intended alteration is known to be againſt the Laws of *England* and *Ireland*.

IV. If the *Rights and Priviledges of Parliament* were once truly ſtated, which are here ſworn to be defended *with lives and Eſtates*, we might be able to make a clearer judgement of the Lawfulneſs of this Oath, as to that Particular. But this being a task which we neither dare undertake, nor can go through with, it will be ſufficient, and perhaps not impertinent, if we wave the two other Kingdoms, and take a ſhort view of ſome few particular Priviledges pretended to be due to the Parliament of *England*, and ſee whether they be ſuch as the Subjects ought to ſwear the preſervation of them, before that of His Majeſties Perſon, and the publique Liberties.

I. As

d E.C.P.655. 1. As a Councel they d challenge the priviledge to be adviſed with *in all* the great affairs of Church and State: whereas their Writ calls them onely to conſult *De quibuſdam arduis*. And His Majeſty is accuſed for breach of *Priviledge*, becauſe he did not ask
e Ib p.114. 158. 164. 272. 716. their advice in ſome ſuch things. Yet ſometimes e he deſired it ſo much, till his importunity was voted a breach of *Priviledge*. Here he is in a ſtrait, like that in the Oracle, *Si fecero, peribo; ſi non fecero, vapulabo*. Not deſire advice, and break *Priviledge*; deſire it, and break *Priviledge* too.

f 1642. E C.P.35. 2. A Vote is paſſed in *January* f that *to arreſt or detain any Member of the Commons Houſe*, without firſt acquainting that Houſe, and receiving Order from thence, is ſuch a breach of *Priviledge* as muſt be vindicated with life and fortunes. And yet a
g Ib.p.724. g Declaration is iſſued in *November* following, that in thoſe very caſes which were formerly in controverſie, any *Member may be arreſted by the ordinary Miniſters of Juſtice, and detained in ſafe cuſtody, till he may be brought to the Parliament*. It will concern the Serjeants to be informed in what moneths this *Priviledge* is in ſeaſon, and when it goes out.

b Ib.p.278. 3. Another h Declaration ſpeaks in this manner, *Though the Priviledges of Parliament do not extend to Treaſon, Felony, and breach of the Peace, ſo as to exempt the Members of Parliament from puniſhment, nor from all manner of proceſſe and tryal, as it doth in other caſes*. From theſe laſt words we muſt inferr, that in caſe of Inceſt, Adultery, Fornication, Idolatry, Sacriledge, Blaſphemy, Schiſme, Hereſie, Popery, Perjury, or what you will beſides the three excepted particulars, the Members of *Parliament* may ſin *Cum Privilegio*, they are exempted *from all manner of proceſſe and tryal*.

4. I do not know the myſteries of ſome *Priviledges*, why they are ambitious to entertain Treaties with forraigne States, but
i Ib.p.580. when his Majeſty deſires the like, it ſhould be anſwered, i *We cannot do it by the fundamental Priviledge of Parliament*. Why the *People* may take notice of their proceedings, but His Majeſty may
k Ib.p.81,94. 684. not without k *a high breach of Priviledge*, minde them of him who ſaid *He was not worthy to be King*. Why the meaneſt Subjects ſhould be admitted to give in their reaſons againſt eſtabliſhed Lawes,

Laws and desires of alteration; and the King be [l] accused for breach of Priviledg, for desiring them to retract a private Order, as contrary to an expres Act of Parliament. Why in Sir *John Hotham's* case all [m] interception of Letters to the Parliament should be such a high breach of Priviledge; and now his Majesty cannot send a Letter but shall be intercepted, nor a Messenger to them, but shall be imprisoned, if not executed, by their Commands.

[l] Ib p. 565, 568.

[m] Ib p. 156.

5. It is a new piece of Law, which our Predecessors were ignorant of, that all Acts and Agreements made by any private Companies or Corpesations, by any Parish or County, nay by any particular persons, are of no further force in Law then they are confirmed by Parliament: and that to make any such till the two Houses be first acquainted, and their consent obtained, [n] is an entrenching upon that *peculiar Priviledge of Parliament, To bind all or any part of the Kingdom.* This was the ground upon which they cancelled those agreements made by the Lord *Fairfax* in *York-shire*, and the like by their adherents in *Cheshire*, and declared, that they who made them *were not bound by them.*

[n] E.C.P. 628. 823.

6. The number of Priviledges in this kind may be infinite, yet we shall be able to set bounds to the measure of them by their own Declarations. Where first the King's coming to the House of Commons is [o] affirmed to be *the greatest violation of Priviledg that ever was attempted.* Secondly, His wishing he had no cause to absent himself from *White Hall*, is [p] taken as *the greatest breach of Priviledge of Parliament that can be offered.* And therefore the former must needs be less: and if there can be none greater, what shall we think of those many lesser, which have made a greater noise? Let the Reader say, if he make any conscience of his life, or have any care of his Estate, or bear any Allegiance to His Majesties Person, or any reverence to His Authority, or have any considerable portion in the publick liberty, whether he can willingly, according to the tenor of this Covenant, sacrifice his life & liberty, his Soul and Estate to the preservation of all and every of these Priviledges, and perhaps thousands more which are not yet declared, so as to prefer the least of them before the preservation of the common Liberty, His Majesties Person and Authority.

[o] Ib. p. 493.

[p] Ib. p. 100.

q Ib. p. 338. For ſo it is declared, q *that the Kings Authority and Perſon can be no way maintained, but by upholding the power and priviledges of Parliament.*

V. That paſſage where they ſweare *the diſcovery of all ſuch as have been or ſhall be Malignants, &c.* carries with it a probable injuſtice, and certain inconvenience. For it engageth every Covenanteer not onely to be a common delator and accuſer of his Brethren, but even of himſelf too, if he ever were or ſhall be any way guilty. The old Oath *Ex officio*, ſo long cryed out upon, as unnaturall and injuſt, that it was thought fit to be aboliſhed by an r Act made this Parliament, was not half ſo bad as this new Oath is. For by this a man ſwears to diſcover himſelfe, though there be no common fame againſt him, never any ſuſpition of him, though no Judge ever queſtion him, no other perſon accuſe him, though he be now reformed and have altered his reſolution, yet if he was ever peccant, he is bound by this Oath to *diſcover* himſelf, that he may come to his tryal, and ſo receive condigne puniſhment.

r For taking away the high Commiſſion.

VI. That laſt clauſe, *to bring all to publique tryal that they may receive condigne puniſhment*, carries fire in the tail of it, ſufficient to conſume the better half of the Kingdom. It is but a ſmall matter to tell their Souldiers, that if they deny Quarter to any Malignants in his Majeſties Armies, they are guilty of perjury by anticipating that tryal, which by this Oath they ſhall be brought to. I ſhall rather apply my ſelf to the Lords and Commons at *Weſtminſter*, who have already paſſed ſentence, ſ *That all ſuch perſons, as upon any pretence whatſoever, aſſiſt his Majeſty in this War, with Horſe, Armes, Plate, or mony, are Traitors, unparalleld Traitors; and ought to ſuffer as Traitors*, and their puniſhment is here Vowed, as it was before threatned to be, *ſpeedy and exemplary*. How the King of *Denmarke*, or the Prince of *Orange* will eſcape, does leſs trouble me; then to ſee the ſworn cruelty of theſe Covenanteers, who have vowed the hanging of the greater part of this Kingdom, and without any hope of mercy or pardon. If it were to be doubted which party were guilty of Treaſon, thoſe whom the King hath proclaimed, or whom theſe Votes have declared, yet this is out of queſtion, that many who ſometimes aſſiſted the one,

ſ Ex: Coll: p. 260. & 576. & 509.

one, are now turned to the other ſide; many yet perhaps aſſiſt that party with money, to which they are leſs cordially inclined; if all theſe, as they are declared Traitors for ſo doing *upon whatſoever pretence* they did it, muſt ſuffer the condigne puniſhment of Traitors, the Covenanteers will have as little comfort in the payment of this Vow, as *Jephta* had in his. If the City be not ſtartled at this conſequence, yet for pities ſake to their poor friends in the Country, who have payed Contributions to His Majeſties Army, let them put on ſome bowels of compaſſion; let not judgement ſo farre triumph over mercy, as to vow nothing but *puniſhment*, no pardon. Why ſhould they devote that little blood to the axe or the halter, which the ſword ſhall ſpare in this gaſping Kingdom? We have not forgotten him that told us (what we now finde) they were not in a right way that made choice of ſuch a Rubricke to their Reformation. And thoſe who Sit, and Vote, and Vow to puniſh according to thoſe Votes, may remember, if we be Traitors, it is not long ſince they were ſo; and it is not certain what they may be. [t] lb. 576.

VII. When *each man* has ſworne *to go before another in the example of a real Reformation*, he is bound upon his Oath not to expect till a general Reformation be publiquely debated and agreed upon, not *to forbear till he ſee whether the right rule will be commended to him in an orderly way*, he muſt not ſtay for the command of Authority, or company of his neighbours; but where he conceives the Doctrine to be erroneous, the Worſhip ſuperſtitious, or otherwiſe faulty, the Diſcipline and Government not ſo exactly according to the Word, he muſt preſently fall aboard with his Reformation work, publiquely profeſs what his opinion is, and apply himſelf to the practice of that which he is perſwaded in his own conſcience is right; and muſt endeavour to ſet up that Idol in the Church which he has already erected in his own imagination, and labour to extirpate all that oppoſe it, and refuſe to bow down to it; that ſo he *may go before others in the example of a real Reformation*. And ſurely thoſe Brethren in *London*, who begin to joyn themſelves into Church Societies, are thus far to be commended. What though it be (as the [u] Aſſembly tell them) *unfit, uncomfortable, unſeaſonable*, yet being *by* [u] Conſiderations, &c. *Decemb.* 23. 1643.

them judged lawful, now after they have ſworn, it becomes *neceſſary*. And I wonder why the Presbyterians ſhou'd not be as zealous in ſetting up their Government, and endeavouring to go before others in an exemplary way. I wiſh they would begin their Reformation in *London* with *extirpation of Schiſm*, which it will be no hard matter to finde, and by that time it ſhall be extirpate out of the City, Religion and Peace may once again reviſit the Country.

CHAP. VII.

That many things vowed in this Covenant are not poſsible to be fulfilled.

TO make good this charge, which is a further evidence of injuſtice in the Covenant, as involving the takers in downright perjury, we ſhall propoſe ſuch particulars as are either morally or abſolutely impoſſible to be performed.

I. That *conſtancy of endeavour* and *zealous continuance* which they ſweare to uſe *all the dayes of their lives* in the obſervance of moſt Articles, is more then they can aſſure; the work of Reformation may be longer, and their other avocations greater then they imagine, & in the *interim* of their thoughts, their endeavors may flagge, and their *zeal* remit. Beſides, the particulars of their Vow are ſo many, and of ſo different natures, as muſt needs diſtract their thoughts and employments, which being fixed upon ſome, muſt divert their endeavours from the reſt. And if they ſhall in truth all the dayes of their lives endeavour to extirpate the Government of the Church, they will never live to effect it.

II. The mutuall *preſervation of the Rights and Priviledges of the Parliaments* in all three Kingdoms cannot alwayes be poſſible. To evidence this Truth, I ſhall ſuppoſe what the Covenanteers will eaſily grant: Firſt, that the word *Parliament* is here ſecondarily, if not principally, intended for the two Houſes in the reſpective Kingdoms, exclufively to the King. Secondly, that the Parliament of *Scotland* (if not that of *Ireland*) hath as much

much *right and priviledge* to all intents and purposes concerning that Kingdom, as our Parliament has in relation to *England*. Thirdly, that what soever Rights and Priviledges have been challenged by our Lords and Commons of this Parliament, are truly due unto them, and the King bound to admit of them. These suppositions being granted, it cannot be denyed but the several Parliaments (all challenging as great Counsels to his Majesty, whose advice he must follow) may advise many things repugnant in themselves, and both or all impossible to be hearkened to. The nineteen propositions of the *English*, and the *Scots* Demands in the Act of Pacification, will save us the labour of enquiring into former times, or straining invention for possible cases.

1. The *English* advise and require that no marriage of the Kings Children be treated of without their notice, nor concluded without their consent. The *Scots* and *Irish* having equal interest, especially in the Princes Person, may require equal priviledge. But their publick national interests and affections to other States being different, their advice and resolution will be so too. The *Irish* may advise and resolve upon a Match with *Spain*, the *Scots* with *France*, the *English* with some other distinct Family.

Again, The *Scots* demand that the Prince may reside with them at some time; the *English* may require his continual residence at all times, at least they may both exact it at the same time. So when [a] these would have him at St *James*, those would have him at St *Andrews*. Such like for the King himself, much about the same time when the [b] *Scots* exact his residence with them; the [c] Council of *Ireland* desire his presence amongst them, the [d] *English* protest, if he leave them, they will no longer submit to him, so as to be directed by any Commissioner. This impossibility will be more considerable, if we restrain it only to the time of *Parliaments*; at the same time 1640. there were three *Parliaments* sitting in the three Kingdoms; if they have equal priviledges, all equally require the Kings presence; what shall he do, when he is told his absence from *Parliament* is a breach of priviledge, [e] against Law, against ancient Custom, against his Oath? Is it possible for him to be in three Kingdoms at the same time?

[a] E.C. p. 93.

[b] 2. Parliament of King *Charls* Act. 27.

[c] E.C. *pag.* 148.

[d] & 143.

[e] M. *Prynne* Soveraign power of Parliam. part 4.

Grant him his just Power, and he may without inconvenience rule all; but if the Supreme Power be in them, he will have a hard task to serve so many maſters.

Secondly, if all the Parliaments be considered as *Courts*, and allowed for Supreme Judicatories in the severall kingdoms, may not one of them declare Law againſt another? Surely yes we have a freſh precedent for it. The *Scots* were declared Traitors by the Parliament of *Ireland*, 1638. They were declared, loyal Subjects by the [f] Parliament of *Scotland*, 1640. And their Actions were condemned to oblivion by the Parliament of *England*.

[f] 2. Parliament of King *Charles*. Act. 38.

3. Laſtly, if each Parliament be considered as the Repreſentative Body of the reſpective Kingdoms, with a power to enact, order, or ordain, whatſoever they ſhall hold fitting, or of publick neceſſity, and the King be bound by his Oath to paſs all the Bills which ſhall be preſented under that notion, as they have formerly before the union of the Kingdoms made many [g] contrariant Laws, ſo will they do again; for the intereſts of the Kingdoms being ſeveral in themſelves, none having any mutual dependance or ſuperiority above another, the titular union in the ſame King will be found ineffectual to reconcile their differences, if he be not Supreme in the old received ſence, but onely in the new coyn'd notion of *coordinate* (as ſome) or *ſubordinate* Supremacy, as others wittily have expounded. In any ſuch caſe of difference, whether in matter of State or of Law, a mutual preſervation of the Priviledges of all the Parliaments will be utterly impoſſible both for King and Subject; to preſerve one, is to deſtroy two.

[g] *vid.* 4. *Iacobi. cap.* 1.

III. Every Covenanteer undertakes more then he is able to perform, when he ſwears, not barely *to endeavour*, (as in other Articles) but actually *to aſſiſt and defend all thoſe that enter into this League*; and actually *to reveal and make known all lets and impidiments againſt it*. Though they have a will to do it, yet they may want means to effect it. If they do not ſend *aſſiſtance* to any Covenanteer when it is demanded, or what they do ſend be not ſufficient to *defend* him, they fail in their Oath; and were to blame they did not uſe the word *endeavour* here, which is ſo carefully inſerted in other places.

IV.

IV. Nor can the moſt confiding of them be aſſured *that he ſhall not ſuffer himſelf directly or indirectly, by whatſoever combination, perſwaſion, or terrour, to be withdrawn from this union.* As it is not in any mans power to hinder other men from uſing what Arguments they can to perſwade him, ſo neither can he totally hinder thoſe Arguments from leaving any impreſſion in his ſoul. Beſides, daily experience of many ſtarting from that cauſe to which they were ſome times as zealouſly addicted as any (witneſs Sir *John Hotham* and others) there is reaſon why it ſhould be ſo, in ſpite of any reſolution to the contrary. Though ambition, avarice, paſſion, or prejudice make men very willing to have that paſs for true and good which they affect, and ſo firſt ſtagger their judgment, which at laſt fixes in a reſolution not to examine any grounds of the contrary ſide which they hate. Yet the variety of ſucceſs may ſo much alter the face of things, the inconſtancy of humane nature may ſo far comply, the light and evidence of the object may be ſuch as will diſpel all thoſe miſts of the underſtanding, and prevail againſt any obſtinacy of opinion. But if they mean by this Oath ſuch a reſolution, *Non perſuadebo, etiamſi perſuaſero*, that againſt the light of their own conſciences, they will ſtill perſevere in the ſame courſes, though they be never ſo much convicted of their unlawfulneſs, they do but add Hereſie to Perjury. For a pertinacious maintaining of an opinion after a man is convicted that it is erroneous, I take to be the very formality of *Hereſie*, and that which I ſuppoſe the Covenanteers have ſworn to extirpate.

V. It will not be denied, but if one part of the Covenant, either *in terminis*, or by implication, contradict another, then it will be impoſſible to perform both. And I pray what are theſe but contradictions? 1. That all the Covenanteers in the three Kingdoms ſhould profeſs to be *of one Reformed Religion*, and then ſwear to preſerve it one Kingdome, but to *reform* it in two. 2. To *preſerve the Kings Perſon without reſpect of Perſons*. This they vow in the ſecond Article, and then in the third. 3. If the Parliaments be, as they conceive, the ſupream Judicatories in the reſpective Kingdoms, with what congruity do they ſwear to preſerve the *Rights and Priviledges of the Parliaments*

in

in all three Kingdoms, and then *that all Delinquents ſhall be puniſhed by the Supream Judicatories (of both* i.e.*)* only of two Kingdoms? No marvel if ſome parts be liable to contradiction, when the whole Covenant is uſhered with a groſs abſurdity, which has influence upon every ſentence in it; when *each one for himſelf profeſſeth, We ſwear,* &c: Indeed why ſhould one man ſwear for all the reſt? But what is this to ſalve the Solœciſm? How ſhall he be ſaid to ſwear *only for himſelf*, whoſe every word in his Oath includes all others as much as himſelf? Theſe things being not certainly poſſible, ought not to be ſworn. It is all one as if they ſhould ſwear they will not dye till they be old, nor be ſick till they dye.

CHAP. VIII.

That the taking this Covenant, and other avowed Actions of the Covenanteers, are in fact, *contradictory to the formall words of their Oath.*

WHat the *Civilians* call *Proteſtatio contraria facto,* (as if one ſhould kill or rob a man and vow to do him no wrong) is a foul crime which infeſts many parts of this Solemn Oath. The very act of taking or enforcing it, beſides many other avowed practiſes of thoſe that take it, does contradict the formal words of the Covenant.

I. So though they ſwear in all their *endeavours* to keep themſelves within the bounds of their *ſeveral places and callings*; Yet if we look upon the courſes they take we ſhall find nothing leſs. Who are they who can challenge it as the proper duty of their *calling* to ſet on foot that *Reformation* vowed in the firſt, or that *extirpation* which is the matter of the ſecond Article? If Religion and the controverſies thereanent be a thing common to every *vocation*, then is that reſtriction to ſeveral *callings* ſuperfluous, and in a Solemn Oath, profane. But if it be the more peculiar function of the Clergy, then why do other men intermedle in matters beſide their *calling*? If it be the proper work of a Parliament

ment, why do our Assembly men challenge, *as Ministers of the Gospel, to be leaders in this work of Reformation?* What have they to do in a Parliament affairs? Were the Bishops cast out, that they might be taken in? What just *calling* can they pretend, who were neither summoned by his Majesty, to whom the calling of Ecclesiastical Assemblies do in right belong, nor elected by the Clergy, to whom the nomination of Members to such Assemblies, by the constitution of this Kingdom does appertain?

So in the third and sixt Articles, where they swear mutually to assist and preserve one another *with their Lives and Estates*, but with like restriction to their several *Vocations, Places*, and *Callings*, either most of those who have actually taken up Arms in this quarrel. Noble-men, Knights, Burgesses, Butchers, Tapsters, *&c.* are forsworn, by undertaking that service which is inconsistent with their professions; or if they be not, then all the rest of the Covenanters are, who being of the same callings, have not put themselvs in Arms, and assisted their Brethren with their Lives, as they are bound so do, if it be not contrary to their *Calling*.

Nor can the Authors or Executioners of those Ordinances be excused from perjury, whereby many men have been pressed for Souldiers without any regard to their *Callings*. What *calling* have the Water-men to be imployed in Land-Service? What *calling* have the City-Tradesmen to come and conquer the Country? What *calling* have the framers of this Covenant to exact a new Oath of all this Kingdom, or to enter in League with another? And if they have no *calling* that enables them to Command, then have the rest no *calling* to obey; and so both the imposing of this Oath on one part, and the taking of it on all parts, is contrary to that clause so often repeated in it, *According to our several callings*.

II. Though they swear *the extirpation of Popery*, yet (if the time would permit) I could make it evident from their own principles, that not only many of the avowed actions of the Covenanters are originally popish, (as their dispensing with Oaths lawfully taken, their excluding all Clergy-men from secular imployment, their Doctrine of propagating Religion by the Sword, (a) their entring into Leagues and Covenants for that purpose,

a Covenant with Nar. p. 17. E.C. 2. 18. 603. 604. 637. 524. 816. 915.

their usurping a more then papal infallibility and omnipotency: their exalting themselves above all that is called God: (b) their rudiments of Rebellion and opposition against the Supream Magistrate,) but that very power by which this Covenant is enjoyned, which they swear to preserve in the third Article, is in the highest degree properly Popery. I am sure there is nothing in that large discourse of the (c) Lord *Brook* against Episcopacy, which may not be applyed here with more congruity. *That power*, which the Covenant-makers do pretend to, and *Popery* are all one *in re*. They have the same *Rise*, the same *media* of their progress, and the same end.

b Lysimachus Nicanor.

c Discourse of Epis. Sect. 1. c. 10. p. 54. & de inceps.

1. First, (d) the *Rise* of *Popery* was by overthrowing Christs Ordinances; in Doctrine, as a Heretique, but not as *Pope*: in Discipline, as *Pope*; This most properly belonging to Christs Royal Office, as Doctrine to his Prophetical. Doth not the pretended power of the Covenant-makers do the same? I confess with them, Scripture is the rule, but who must expound this Scripture? Synods, Assemblies, Committees. And though by their own confession those bind not mens consciences, yet they bind them to obedience; which obedience they precisely challenge; and when any fail thereof, they do without the least scruple of Conscience proceed to Sequestrations, Fines, Imprisonments, Deprivations, and what not? And so these men making Scripture a rule in appearance, do in truth monopolize all to themselves. This is just and flat Popery.

d Ib, p. 59.

2. The same Author proceeding to parallel Episcopacy with Papacy in the *means* of their rising, (e) tells us how Popes dealt with Princes; *laid pillows under them with one hand, thrust them down with the other, and then trampled upon them.* This can no way be affirmed of our Protestant Bishops: but whether our Arch-Covenanteers, when they promised to make their Prince a great and glorious King, and protested to defend His Person, Honour and Authority, did not in the mean time by their underhand practices labour to thrust him down, and by their open violence to trample upon him, the World sees in part, and themselves know more.

e Ib. p. 61.

3. Touching the *means* of the progress of Popery he informs thus,

thus, [f] *That which they have most founded in the people's ears is, The Church, The Church; The Temple of the Lord, The Temple of the Lord; by this as by a stalking horse they come much nearer then else they could.* And hath not the empty noise of *Religion, Religion, Reformation, Reformation*, heightned the credit of the Covenanteers in the opinion of the people, and so been made a stale to their equally Popish ambitious ends?

[f] Ibid.

4. Lastly, to prove the ends of Prelacy the same with those of *Popery*, he says, [g] *It cannot be doubted but by all these means they ayme at the same End (which is also the Popes) to pull down all other power, and set up their own.* Nor is there any great cause to doubt whether the principal Projectors of the Covenant ayme at the like End, which they have already effected in too great a measure. They have (to their ability) pulled down all other power, both Regal and Episcopal; they have set up the one, and perhaps intend to settle the other, as a prudential Government, in themselves. We may therefore conclude this discourse with the words of Our Author against Bishops, *Thus the Covenanters oppose, and exalt themselves above all that is called God or is worshipped: which is most true Popery*, in respect of the Imposers; and the submitting to such a power is likewise popish in respect of their adherents; and so the taking as well as the enjoyning this Covenant a formal Act of Popery, and therefore contradictory to that vow *to extirpate Popery*.

[g] Ib. p. 62.

I need no other Apology then what the same Author hath framed to my hand. [b] *I bring not in these things, as if by agreeing in these I might convince the Covenant makers and Papists, or the Pope, were all one.* But the original fountain whence all these spring, the vertue and power which actuates them in their proper channel, this is papal.

[b] Ib. p. 60.

Nor may they evade by this, that though they doe and command these things, yet they neither doe them from the Popes command, nor command them in the Popes power. Though I grant this, yet they may be Antichristian, and so such *in Re* as the Pope is, though not literally *Romanists*. For he, or they, whoever it be, that commands or prohibits the least title of Doctrine or Discipline, merely *ex imperio voluntatis*, though the thing he so commands

minds ſhall happen to be good in it ſelf, (or that which he forbids, to be evil,) yet he, in his ſo commanding, or probibiting, is not onely Tyrannical, but *Antichriſtian*, properly *Antichriſtian*, Encroaching on the Royal Office of Chriſt, which is truely High Treaſon againſt God, and moſt properly Antichriſtianiſm. I care not whether we call him a *Pope*, *Papiſt*, *Romaniſt*, or any other name, I call him *Antichriſt*; and if you will call Antichriſt by the name of *Pope*, I call ſuch imperious Commanders among us (though they have no ſhadow or dependance on *Rome*, or the *Romiſh* Pope) *Engliſh* Popes, I mean *Engliſh* Antichriſts.

Nor is this any particular fancy of that one Lord, but is atteſted to be the (*i*) general Doctrine of all the *Brownifts*, who upon theſe principles conclude Epiſcopacy to be a ragg of Popery, which we have here brought home to their own doors, and there we leave it.

i Id. Sect. 2. cap. 7. p. 119. Proteſtation proteſted. pag. 2. Countermarch, &c.

III. If *Superſtition* be (as *k* M. *Mocket* defines it) *Quicquid ſupra ſtatutum eſt*. All Religious obſervances which have no command in Gods word: every outward Act, ſigne, or circumſtance in Gods worſhip, which he has not enjoined. An Oath being a part of worſhip expreſly commanded, *Deut.* 6. 13., and this Oath being taken for a Religious end, if either the matter or any circumſtance of it be ſuch as God never required, it cannot (according to the Doctrine of the Covenanteers) be excuſed from Superſtition.

k View of the Cov. p. 35.

1. Now that outward Act uſed by the Covenanteers in the taking this Oath, where (*l*) *each perſon by ſwearing is* required *to worſhip the great Name of God, and teſtifie ſo much outwardly by lifting up their hands*; has no more colourable warrant from the word of God by way of command, then bowing the knee at the name of *Jeſus*, and therefore muſt be guilty of equal *Superſtition*; and how great that is, M. *White* ſhall determine.

l Covenant with a Narrative.

2. Again, if the Vowes of their Religious Orders in the Church of *Rome* be confeſſedly *Superſtitious*, I ſhall not know how to clear this vow from the ſame imputation. 1. Their vow of *voluntary poverty* is not ſo much as the Vow of theſe Covenanteers to ſpend not only their Eſtates, but their lives in purſuance of this Covenant. Without all peradventure it is no more unlawful by the word of God, for a Papiſt to part with his Eſtate for a known good end,

end, then for a Proteſtant to devote his to the maintenance of a ſuppoſed good Cauſe. 2. The popiſh Vow of Continency, what has it more then the Covenanteers Vow of Obſtinacy? *Never to ſuffer themſelves by whatſoever perſwaſion to be withdrawn from this Union.* That is, never to be of another opinion or reſolution then now they are. It is no ſinne in any man to live a ſingle life and to contain, but for a man to vow who has not the *gift*. And may not the Covenanteers want the gift of Conſtancy, as well as other men the gift of Continency? Their own Confeſſor tells them ſo, (*m*) *Eſpecially when (as we this day) ſenſible of our infirmity of an unfaithful heart, not ſteedy with our God, but apt to ſtart from the Cauſe, bind our ſelves with cords, as a Sacrifice to the Horns of the Altar.* If this will ſerve to abſolve the Covenanteers, how ſhall the Vow of Continency be condemned at their Tribunal, the matter whereof hath more approbation in Scripture, and the performance of it is no whit more impoſſible?

m M. Nye in his Speech. p. 13.

3. The Popiſh Vow of *Regular obedience* to their Superiours, is juſtly condemned as *Superſtitious*. And is not as abſolute, as blinde an Obedience required by the framers of this Covenant? to beleive all their Declarations, to obſerve all their Ordinances, to preſerve all their Rights and Priviledges, which are more unknown, and ſometimes more unjuſt then thoſe of the Cloyſter? Yet the Covenanteers Vow to conſerve them with the utmoſt hazard of their lives. 4. If we ſhall adde to theſe more ancient and ordinary Monaſtick Vows that fourth of the *Jeſuites*, the Vow of *Miſſion*, whereby they binde themſelves to goe into whatſoever Countrey their Superiours ſhall ſend them, for the propagation of their Religion; we ſhall find ſomething not unlike it in this Vow of the Covenanteers, compared with their practice. By the ancient (*n*) Laws of this Land no man ſhould be compelled to goe out of his own County, ſave in caſe of actual Invaſion, but by their Ordinance of the *Militia*, and the ſeveral Orders of Aſſociation and inſtructions to their Lievtenants, made by the prime Covenanteers, all men are required to follow their Leaders, *as well within their ſeveral Counties, as to other places:* and thoſe pretended Rights, by vertue whereof theſe commands are laid upon them, they here Vow to maintain with *their Lives and Eſtates*: which

n 1 Ed. 3. *cap.* 5. *o* E. C. p. 88. 389.

these Superiours may, when they please, with equal authority and better reason, employ into *France*, *Spain*, *Italy*, or any other *Popish Countries*; whither, if they shall command, all are bound to go by the tenour of this Vow, for *extirpation of Popery*, and universal Reformation of Religion.

3. Lastly, If whatsoever is not commanded by God be *Superstition* (as they hold it is) then if it were true that the Leaguers were all of one Religion, yet there is no command for them to enter into such a holy League. Beside the Pacification at *Passau*, concluded betwixt the *Protestants* and *Papists* of *Germany*, 1552. & confirmed in a *Diet* 1555. generally commended by *Protestant* Writers; the examples in Scripture of *Jacob* and *Laban*, *Jehoshaphat* and the *Gibeonites*, *Solomon* and *Hyram*, do abundantly prove that Leagues betwixt men of divers Religions is not against the Word of God, and therefore a League betwixt people of the same Religion, for extirpation of such as are not of the same, is no way required by it. So then this Covenant, as to that point, is *Supra Traditionem* and therefore *Superstition*.

p Sleidan. Gerard. Camerar. Sfander.

4. But if this sin or fift rather in using such acts, matter, signes, or circumstances in Divine Worship, as are in their own nature no way apt to express that honour which we acknowledg to be due unto God, nor reducible to that end for which we intend them; surely then there may be Superstition in the inward as well as in the outward Act of Worship: and in particular, q *indiscreet zeal* will appear to be a piece of *Superstition*: for though zeal be of its own nature apt to be referred to Gods Worship, yet thus qualified it is not; and then I am confident, as *Diogenes* trode upon the pride of *Plato*, so many of our *zealous* Covenanters here vow *to extirpate* superstition with greater superstition.

q Rom. 10. 2.

IV. The clearing of that clause which concerns *Extirpation of Heresie* depends upon the resolution of many questions which we cannot here determine; upon this mainly, Who shall be the Soverign Judge of Controversies, to define what Doctrines are Heretical, and what not? whether must every man for himself sit upon other mens faith, and proscribe all that for Heresie which crosseth his own fancy? The Church of *Scotland* allows no other

other Judge in this point but Scripture; which will scarce come home to the point; for who shall give the sence of Scripture? The Lord [r] *Brook* has answered the question aright, *What is true Doctrine the Scripture or rather the Spirit must judge; but what a Church will take for true Doctrine, lies only in that Church.* And amongst the Covenanteers, who shall Judge as the Church? In *Scotland* it is agreed, the general Assembly; in *England*, I know not who, perhaps a select Committee of some Lay-Covenanteers. Such as shall be appointed to convent Ministers for preaching false Doctrine, and will not stick to censure him for Heresie and Blasphemy who shall call the Virgin *Mary* the *Mother of God*. Τὸ γλυκὺ, τὸ γευσόμενον. I must once more borrow the word of that Honourable [s] Author I last mentioned, *So long as the Church in her tenets intermeddles not with State matters under the notion of Religion, I suppose the Civil power is not to interpose. If the question be what is Idolatry, what Superstition, what Heresie, what the punishment of those crimes, who shall judge but the Church? While Parliaments labour for the Church, dealing no further in the affairs of the Church then by Scripture they may, certainly they do well; but if they once exceed their bounds, the issue will be* CONFUSION *instead of* REFORMATION. Yea in regard our Laws, if they should be put ordinarily in execution, are somwhat severe in the punishment of Heresicks, it was not amiss in the [t] Parliament to restrain the power of Ecclesiastical Commissioners in judging of Heresie, to what had been formerly determined by Scripture, or by the four first General Councils: only when they added, *Or such as shall hereafter be ordered, judged or determined to be Heresie, by the High Court of Parliament in this Realm, with the assent of the Clergy in their Convocation.* The matter had not been much different if the words had been a little inverted; if they had left the judgment to the Clergy, who (without disparagement) may be thought more competent for such matters, and reserved the power of approving and confirming to themselves. But the Law being as it is, we willingly subscribe to it; and when the Parliament shall determine, with the Convocations assent, any matter or case to be Heresie, we shall better know how to conform either our judgment to their deter-

r *Discourse of Sect.* l. c. 9. p. 51.

s Ib. p. 52, 53.

t 1 Eliz. c. 1.

determinations, or our patience and obedience to their censures. In the mean time we must entreat our brethren of the Clergy convened at *Westminster*, to be perswaded, that though the Lords and Commons in the Court were indeed the Parliament, yet they in the Chappel are none of the Convocation. And so what Heresie is, or what to be taken for such, by any authoritative definition in this Kingdom, we are not like to hear in haste. But if *Tertullians* Prescriptions, or that Golden Rule of *Vincentius Lirinensis*, *Quod ab omnibus, quod ubique, quod semper, &c.* be of any use for the trial of Hereticks, then we can tell whose Disciples the Covenanteers are, that swear to extirpate Episcopal Government. If *Arius*, for affirming that a Bishop is not above a Presbyter, was generally reputed by the Christian world for more then thirteen hundred years together, as well in the Eastern as Western Church, for a down right Heretick, we can charge those men with no less then a contradiction, who with the same breath vow the extirpation of *Prelacy* and *Heresie*.

V. The case is much alike concerning *Schisme*, which is so near allied to *Heresie*, that St *Paul*, if he do not confound them, makes that the necessary forerunner of this. But allowing the word for current in the common acception without any scrupulous enquiry into the nature of it, we must infer, 1. That this vow of the Covenanteers to extirpate *Schisme* is contradictory to that Vow of *mutual assistance*, which they make in the sixth Article: For being knowingly divided in their opinions concerning Church Government, they must be one to another mutually Schismatiques. 2. The meer taking of this Covenant, being in the principal part of it an utter condemnation of the Church of *England*, and a sworn Separation from it as Prelatical, (that is in their sence *Antichristian*) can be no other then a most formal vowed Schisme, in respect of all those Covenanteers, who formerly held Communion with this Church; which being a true Church, wherein salvation might be had, suppose the worst, (which I do not grant) that there were some errour in her Doctrine, or some unlawfulness in her practice; yet so long as they are neither required to profess those errors, nor to approve those practices (as, if we consider His Majesties frequent proffers of

1 Cor. 11. 18, 19.

passing

passing fitting provisions for the ease of tender consciences clearly they are not) any seperation from this their Mother church is utterly causlesse; and unlesse by vertue of some Legislative power, a new sense be imposed upon the word, this is the greatest Schisme that ever was in any Church since the foundation of Religion.

If they had not broken it already they might easily observe this part of their Oath for the future, for having by this Covenant left amongst themselves *no visible Church*, it quickly follows, *no Schisme*. Were it not so, I should wonder how it comes to passe, that after such a solemn Oath for *extirpation of Schisme*, and that not by publique Order, but where *every one must go before another in the example*, so few should be found all this long time worthy to be extirpate out of that great City, where so many are known to be. Where all such as have been accounted Schismatiques from our Church of *England* either had their birth or have their breeding. *Anabaptists*, *Brownists* of all sizes, *Separatists*, *Semi-Seperatists*, *Leamarists*, *Barowists*, *Johnsonians*, *Ainsworthians*, *Robinsonians*, *Wilkinsonians*, the severall Congregations of *Basher*, *Smith*, *Helwise*, *Hancock*, *Nevil*, *Pedder*, each of which (as I am informed) had their distinct formes of Separation: the *Antinomians*, *Eatonians*, *Gringletonians* and *Familists*, the *Cottonians* and *Anti-Cottonians*, and whatsoever spreading grigs have been transplanted from those fruitfull seed-plots of Schisme, the Colonies of *New England* or *Amsterdam*.

All these were known by head, even when the Government of the Church was in the hands of the King and Bishops, and sure their number is nought abated since it was seized by the Covenanteers: many whereof have small reason to swear the extirpation of Schisme, unlesse it be out of their own hearts. Which is so foule a sin, that some of themselves have confessed *Jeroboam* the son of *Nebat*, for this only cause, not for Idolatry, to be so often mentioned with that odious Elogy, *Who made Israel to sin*. And considering the generall defection now made from the Church of *England*, and the shallow grounds of this Separation, I take leave to mind those men who have had the greatest stroke in these divisions, of what * *Irenæus* writ so many hundred years agoe.

* *De Hæres. lib. 4. c. 62.*

280. *The Lord will judge also those that make Schismes; who valuing more their own profit then the Churches unity, do rent and divide, and to their power murther the great and glorious body of Christ, upon small and any occasions: speaking Peace, and making Warre; truly straining at a gnat, and swallowing a Camell. For they can make no such Reformation, as will be able to counterwaile the harme of Schisme.*

VI. The imposing this Oath by their own Authority is a great violation of the Rights and Priviledges of Parliament, which they sweat to preserve. If we should allow the Leaders to be what they desire to passe for, the two Houses of Parliament; yet it is denyed that the one House hath any power to give an ordinary legal Oath; or that both Houses can lay any civil, much lesse Religious obligation by a new Oath upon the whole Kingdome without his Majesties Assent by x Act of Parliament. Let but any Law be produced that it may be done, or any precedent shewed that ever it was done by any free Parliament, and we shal be ready to recant this position. In the mean time I crave leave to intimate in some few particulars how the Covenanteers have violated not only the ancient and just Rights of Parliament, but those very Priviledges of the last Edition, which were never heard of before this Session.

x E. C. pag. 859. 860.

1. In relation to the King, who is the Head of that great Body, the denying his Negative in making of Lawes, the signifying His Authority contrary to his Will, the doing many things without Him, which, how necessary soever, he does not challenge any Prerogative to do without them, are sufficient instances of their injust usurpations.

2. In relation to the House of Peeres: whether were not their Priviledges invaded, when some of the Temporall Lords were committed by Mr. *Pennington*, the then Lord Major of *London*, and a Member of the Lower House? when others of the Spiritualtie, twelve Bishops at a clap were impeached and committed for a crime they were no way guilty of? that never forgotten breach of Priviledge, his Majesties impeachment of the five Members was thus aggravated, y If such an accusation might be allowed, *then it would be in the power, not only of His Majesty, but of any private*

y E. C. p. 178.

private man, under pretensions of Treason, to take away any man from his service in the Parliament, and so as many, one after another, as he pleaseth, and consequently to make a Parliament what he will, when he will; which would be a Breach of so essentiall a Priviledge of Parliament, that the very being thereof depends upon it. How much his Majesty did then abhorre the thoughts of any such consequence, depends in part upon the *now visible* and *then just* grounds of that accusation. But whether in that more generall, and more causlesse impeachment of those twelve Members of the House of Peeres, the Projectors did not over-act all the sad consequences of the former Discourse, and transgresse that *essentiall Priviledge* upon which the *very being of Parliament* was laid to *depend*, I do not determine; Only, this is evident, the now Covenanting Commons ever since that time were able to make their House of Lords do or say *what they would when they would.* Witnesse their severall Counter-minds and crosse Declarations. The Lords declare the Lawes should be observed, and the Common-Prayer Book used: these Commons declare, both shall be suspended. The Lords declare, Tumult shall be suppressed, and the Authors punished: these Commons declare, there are no Tumults, and command those persons shall be released who were apprehended as the Authors. The Lords thought the new Ordinance for the *Militia* unnecessary, and refuse to petition for it: these Commons declare it is necessary, and [z] complaine of the Lords for *their* refusall. What would you more? In some cases, these men *Order*, [a] *that the House of Peeres agree with the House of Commons.* [z] Ex. Col. p. 19 & 59. [a] Ib. p. 112.

2. In relation to particular Members; It is somewhere confessed by the Commons, that [b] *they cannot give away the Priviledg of their Members without their consent.* Sure the many affronts, indignities, injuries, which severall Members of that honourable House have sustained, in their Persons, in their Estates, in their Protection, in their other Priviledges and Liberties, were never done by their own consent. [b] Ib. p. 723.

3. In relation to the constitution of Parliaments, is not the freedome of the place and safety of the persons so absolutly necessary, that [c] no Parliament can be without it, yet have not both [c] E. C. p. 100.

been disturbed and endangered by tumultuous Citizens? Have not some been expelled, others committed for being so honest as to Vote according to their consciences, but not so fortunate as to jumpe with the supposed *Sense of the House*? Were not their names posted up, and their lodgings noted who were unwilling to have a hand in the first Act of this National Tragedy? If the publique demanding a List of such Lords names as dissented in their Votes from the carrying party in the Lower House; if confining the whole Authority of both Houses to the pleasure of a few persons under the name of a Committee for the safety of the Kingdome, into whose secrets the rest may not presume to enquire; if the admitting of Commissioners from another Kingdome without whose concurrent advice nothing must be agitated in this be not as totally repugnant to the nature of a free Parliament, as confessedly repugnant to all Precedents of former times; if all these things have been done, and yet no Priviledge broken, then ἴσως πάντα καλῶς, there will be no danger of breaking Priviledge. But if these were high violations of the Parliament Priviledges, all the Covenanteers are sworn to enquire after and punish the offenders without respect of persons.

5. I cannot see that those who had a speciall hand in the creation have ever had a due care for the conservation of many new Priviledges. They who declared it to be no ordinary, but *a high breach of Priviledge* to intercept any Letters or Messengers coming *to or from the Parliament*, have since countenanced the interception of His Majesties Letters, commanded the imprisonment of His Messengers, and done enough to prove themselves either guilty of Priviledge-breaking, or no Parliament. Who if they shall pretend in case of Priviledge, as they have done in point of Law, that whatever they do, or command, or approve, how contrary soever it may seeme to be to their confessed or declared Priviledges, yet must not be taken for a violation of Priviledge, because it is approved by them in whom the *Privilegilative power* is supposed to reside. I confesse this might be urged with good coherence to their other principles, nor should I know well what to reply if *I* were not furnished out of their Store-house, Where I find them telling the King, *August.* 25. 1642, that till he have recalled

d E.C.p.156.

recalled His Declarations and Proclamations, and taken down His standard, e they cannot, *by the fundamentall priviledges of Parliament, treat with him.* Yet, within a few moneths after, though the Royall Standard was not taken down, nor any Proclamations recalled, those very men who before refused to grant, are now f petitioning for a Treaty, to His Majesty at *Colebrook*, and we find them actually Treating at *Oxford*: Whence we conclude, seeing they did afterwards what they had formerly declared, *by their fundamentall Priviledges*, they could not do, not only in some cases they possibly may, but in this particular, according to the principles of their own Declarations, they actually did violate a priviledge of Parliament, and that a *fundamentall one.*

e E

f Ib. p. 745.

VII. There can scarce be imagined any invasion upon the *Publique Liberty* more manifest, or of greater consequence than is the imposing of this *Oath* by such as have no Authority to exact it: & the submitting to this usurped Authority, is in all them that take it, a betraying of the *Liberty of the Kingdome.* We have already proved that no new Oath can be imposed but by Act of Parliament.

Besides, what can be more in prejudice of the Liberties of *England*, then forcing all the Subjects to swear to defend the Liberties of *Scotland* and the unknown Priviledges of their Parliament? Are we not hereby made sworn vassals and slaves to another Nation? Do we not give them a Supremacy over us? or if their obligation be reciprocall, yet I doubt whether, in case they prove perfidious, that will serve to excuse our perjury.

If by swearing *to preserve the Liberties of the Kingdome*, they swear (as their g Expositours bear us in hand) against all *Arbitrary Power*; whereby the Rulers will and pleasure is made the only Rule of the Subjects obedience, their Oath strikes at none more than the Master-Covenanteers, to whom I fear the description in that Authour is most aptly fitted, *New, proud, ambitious, domineering Officers of the first Head.*

g M. *Mocket*, View of the Covenant. pag. 36.

VIII. Seeing no Act of Parliament can be made without his Majesties consent, no *new Oath* imposed without an Act of Parliament, their pressing of this Covenant by any *Ordinance*, their

entring into League with two Forreign Nations, and inviting others to joyn in the like Association, is such a palpable violation of the *Kings Authority*, which they swear to preserve, and a contradiction so grosse as none can reconcile, unless He to whom nothing is impossible.

IX. What is the whole Designe of the Covenant but an apparent *dividing of the King from his people*? Or, which is all one, of the People from their King? What, but *a sowing of division between the Kingdomes*, by hiring the *Scots* to take part in our dissensions? What, but a sworne *Faction amongst the People* of this Land, being a combination of some who confesse themselves not to be the Kingdome? and yet they would seem to swear against all these in the fourth Article.

That they who here sweare against *Faction* and *Division* have been the Authors, and are still the upholders of *Division*, and that by *Faction*, is plaine from their constant refusal to descend to any Treaty for accommodation. First, when his Majesty wooed them to it from *Notingham*; then when the most substantiall Citizens petitioned for it at *London*. Again, when in *July* last the Lords remaining at *Westminster* did Vote for it; when the *major* part of Commons then present did entertaine the first motion of it; when the many poor People and the weaker sex did offer up strong cries and tears for it: yet so potent was the prevailing party of the Common-Councel of *London*, (of Master *Pennington's* election, and therefore at his devotion) as not to spare their greatest Patriots; all their former service could not protect their names or persons from the rude hands and ruder tongues of those enemies of Peace; from whom the poor Petitioners found such barbarous entertainment as pitied me to see, & I take no pleasure to remember. Nor need I mention the many gracious overtures from his Majesty, that have been spurned at and rejected since. That which most irremovably pinnes the *Faction* upon the Covenanteers sleeves is their entring into such a League as this with Forreigners; which they would never have purchased at so dear a rate, had they confided in the native Forces of our own Kingdome. Besides, the very ground of the Contestation decides the Controversie. The Covenanteers fight for Subversion of the

Laws

Laws and Government eſtabliſhed; his Majeſty (as, by their confeſſion, he is bound to do) and his other ſubjects, for preſervation of them: Say then, who are the *Faction?* Whether they who willingly ſubmit to all Laws now in force, and are ready to pay equall obedience to all ſuch as ſhall be eſtabliſhed in a free Parliament, or they who not only deny obedience, but vow to extirpate the preſent Laws and Government?

CHAP. IX.

That many particulars vowed and intended by the Covenant, are ſimply and abſolutly unlawfull.

HAving already demonſtrated the iniquity of the Covenant upon ſuch generall Heads of Diſcourſe, as by ſound conſequence do infer no leſſe; I proceed to the propoſall of ſuch other particulars as are found *primâ facie*, without any help of deduction, immediately unlawfull in themſelves.

I. Such is the main matter of the firſt Article, if not of the whole Covenant. The alteration of Religion in *England* and *Ireland*. Which if it were falſe and erroneous, as it is falſly ſuggeſted to be, yet being already ſetled by ſtanding Laws in both Kingdomes, ſuch as the King is ſworn to defend, as much, if not more, then any other, for any Subject by force of Arms to go about to introduce an alteration, however veiled under the ſpecious title of Reformation, is a thing not only directly contrary to the poſitive Conſtitutions of theſe Kingdomes, and without warrant or example from divine Law, but utterly againſt Scripture, Reaſon, the practiſe of the true Church of God in all ages, the very nature of Religion it ſelf, and the common principles of civil Policy.

I might for methods ſake parcel this Section, and ſhew firſt that all force for Religion, Secondly, that all force againſt the King is unlawfull. But becauſe I find both ſwords united in the preſent undertakings of the Covenanteers, I ſhall not divide them in my diſcourſe.

1. *Firſt*, That to labour the advancement of Religion by way of

See to this purpoſe, a Solid learned Diſcourſe, Of Reſiſting the lawfull Magiſtrate upon colour of Religion.

of Force, contrary to eſtabliſhed Laws and the Prince's will has no warrant by way of command or approbation from Gods word, muſt be taken for granted, till thoſe who are otherwiſe minded can ſhew the contrary; and will be needleſs to perſwade if we prove in the ſecond place that it is againſt expreſs teſtimony of Scripture. Our Saviour [a] profeſſeth *his kingdom is not of this world*, and addes, *for then would my ſervants fight*. Which words as they evince that it is lawful for ſubjects to fight at the command of their temporal King, for the maintenance of his worldly eſtate, ſo do they inſinuate that Chriſts Kingdome being Spiritual, cannot, muſt not be advanced by temporall Armes. [b] The weapons of our ſpirituall *Militia* are not carnall, but Spirituall. We have no command from Chriſt our ſpiritually Head, *to kill & ſlay* the common enemies of our Religion, but contrarywiſe to [c] *pray for our perſecutors, & not to reſiſt evil*. Perhaps upon the ſame conceit of Gods glory and advancement of their religion they perſecute us, as we vow to *extirpate* them. St. *Paul* out of the abundance of Zeal, [d] περισσοτέρως ζηλωτὴς, did at firſt [e] perſecute the Saints of God; yet not without [f] authority from the Magiſtrate; and therefore his caſe was different from this of the Covenanteers; and he obtained *pardon* (it was a ſin then) *becauſe he did it ignorantly*. Our Saviour left it not untold to his Diſciples, and in them to the Church, [g] that *the time would come that whoſoever killed them would think he did God ſervice*, thoſe very murtherers had the glory of God for their ends, but that could not excuſe their actions.

Heu, primæ ſcelerum cauſa mortalibus agris, Naturam neſcire Dei! They were truly ignorant of thoſe meanes which God requires for the advancement of his Kingdom. [h] *Theſe things they will do, becauſe they have not known the Father, nor me.* He will not have the [i] tares *extirpate* out of his field, the Church, till the time of harveſt, and by the proper reapers. [k] M. *Nye* in his exhortation to the Covenant, has made choyce of a text ſufficient to break the neck of it. He bids us *be Zealous, as Chriſt was, to caſt out all* (he never caſt out any by fire and ſword) *but let us do it in an orderly way, and with the Spirit of Chriſt whoſe ſervants we are.* [l] *The ſervant of the Lord muſt not ſtrive* (ſure then he muſt not kill

[a] Joh. 18. 36.

[b] 2 Cor. 10. 4.

[c] Mat. 5. 44.

[d] Gal. 1. 14.

[e] Phil. 3. 6.

[f] Act. 9. 2.

[g] Joh. 16. 2.

[h] 1b verſ. 3.

[i] Mat. 13. 30.

[k] Covenant with a Narrative. p. 24.

[l] 2 Tim. 2. 25.

kill and slay) *but be gentle unto all men,* (I hope Papists & Prelates may passe for men, *apt to teach,* (not to inforce) *Patient,* (not violent) *in meeknesse instructing* (not in fierceneſſe conſuming, deſtroying, extirpating) *thoſe that oppoſe.* If Seditions, Tumults, inſurrections, Rebellions muſt go current for Diſcipline and *Order*; if the taking up of Armes defenſive or offenſive, be a work of *patience* and *meekneſſe*, if the ſpirit of contradiction be more conformable to the Spirit of Chriſt then that of ſuffering, the Lord be judge; for amongſt men, great Authors are produced on both ſides. The chief Covenanters [m] call it a *Spirit of ſlavery*, & [n] adviſe all to *make uſe of that defence which Nature teacheth every man to provid for.* But God in Scripture teacheth no ſuch matter; [o] he commands every man *to be conformable to the image of his Son; if we ſuffer with him, that we may be alſo glorified with him.*

[m] *E.C.p.* 725. [n] & 728. [o] Rom.8.17. 2 Tim.2.12. 1 Pet.3.14. & 4. 16.

3. Thirdly, this courſe is againſt the nature of Religion it ſelf. For Faith, the ſoul of Religion, is an inward act of the Soul, which all the Tyranny in the world, that the malice of the Divel can invent, or the wit of man exerciſe, can neither plant where it is not, nor extirpate where it is. It is the gift of God, freely begotten in the hearts of men, not by threats and terrours, not by tortures and Maſſacres, but by the quiet ſtill voyce of the word preached: *Suadenda, non cogenda.* And therefore St. *Paul*, though a lawfull Governor in the Church, flatly diſclaimes any [p] *dominering* power over the conſcience. As for the outward profeſſion of religion, neither is that ſubject to force and violence. A man may confeſſe Chriſt and his Faith in him, as freely in bonds as at liberty, as gloriouſly upon the Croſſe as upon the throne. Fear indeed may incline a weak conſcience to diſſemble his opinion, but cannot conſtrain him to alter it. Fire and Faggot are ſtrong arguments of a weak cauſe; undeniable evidences of cruelty in thoſe that uſe them: but ſlender motives of credibility to beget faith in thoſe that ſuffer by them. Laſtly for the external, free, and publick practice of Religious duties, that I grant may be reſtrained by the outward violence of man, but when it is ſo, it is not required by God, who never expects to reap what he did not ſow.

[p] 2 Cor.1. 24.

4. Fourthly, it is againſt the conſtant commendable practice of

the true Church of God in all ages. The *Saducees*, though they denied the resurrection, and many other truths in Religion, were tolerated in the Church of the *Jews*; and our Saviour convinceth them by strength of argument, not of armes. The example of Christ and his Apostles is beyond all exception, worthy our best imitation. When many of his Disciples did apostate, he used no violence to reduce them, but mildly said unto the Twelve, q *Will he also go away?* When the *Samaritans*, who were of a different Religion, neglected to entertain him, because his face was towards *Jerusalem*, the place of the true Worship, he sharply r rebuked those sons of thunder who would have consumed them with a shower of fire. When *Peter* thought to have defended him by force against a sudden assault made by the servants of the High Priest (the Ministers to execute an unlawfull command, but imployed by the lawfull Majestrate) who by destroying the Master had no other intention but to extirpate that Religion which he had planted, he commands him to s *put up his sword, for all that take the sword* (though it be in defence of true Religion, yet if it be against the command of the lawfull Majestrate) *shall perish by the sword*. As himself was content to suffer an ignominious Death upon the Crosse, notwithstanding he had power infinitely sufficient to repell all the violence of his enemies, so did his Apostles follow him in the like example, t *rejoycing* in their life time *that they were counted worthy to be beaten for his name*; and Saint *Paul* reckons it for a speciall grace and favour to the u *Phillippians* (ὑμῖν ἐχαρίσθη, &c.) that they not onely believed in Christ, *but suffered for his sake*: and when they had finished their course, and fought the good fight of Faith, they gave up their lives a willing sacrifice in testimony of the Truth of their Religion.

q John 6.67.

r Luke 9.54.

s Mat. 26.52.

t Acts 5.41.

u Phil. 1.29.

Conformable to this pattern was the constant, *Doctrine and Practice of the Primitive Church. The most ancient *Apologists* for the Christian Faith, use this as an argument to prove the Religion of their Persecuters to be false, and their own true: that stood in need of humane force to maintain it, but theirs stood by the sole power of God. *Pudeat te eos colere, quos ipse defendis, pudeat tutelam ab ipsis expectare, quos tu tueris.* Those good Christians

* *Arnob. Lact. Cypr. contra Demtr. Tert. in Apol. & ad Scap. Just. in Tryph. Aug. in Psa. 144 Ambrose in Luc. 22. 38. Athan. Ep. ad Solit. vitam agentes.*

Christians were content to trust God with the defence of his own cause, and indeed they durst do no otherwise; their Religion enjoyned them not to kill, but be killed for it. Nor was this for want of ability, but authority. They who best knew their own strength, professed to the face of their Adversaries, that both for number and experience they were nothing inferior. It was in their power to have opposed, if their Religion would have permitted. One of them makes *Peter* put this question to his Master, *Cur haberi præcipis gladium, quem vetas promi? Nisi forte ut videaris potuisse vindicari, sed noluisse?*

Hence it came to pass that when both swords were in a manner united, after the Emperors were converted to the Christian Faith, yet Heretiques were cut off by the Spiritual, not by the Temporal. The first General Councels of *Nice*, *Constantinople*, *Ephesus*, and *Chalcedon*, condemned those Arch-Traitors in Religion, *Arius*, *Macedonius*, *Nestorius*, *Eutiches*, but not to death. The Councel of *Constance* was the first that proceeded in that kind against *John Husse*, and *Jerome* of *Prague*.

Lastly, as the Harmony of Reformed Churches in their publique* Confessions doth not admit of any division or violent resistance against the supreme Magistrate, so hath it been the constant Doctrine of all the Protestant Divines generally from *Luther*, down till our times, and more particularly of this Church of *England*, as may be more fully seen in the *Exhortation to obedience* published in *Edward* the sixth's days, and the Homily *against Rebellion* confirmed by the Articles of our Church under Q. *Elizabeth*. The contrary Doctrine being ever reputed peculiar to the worst of Papists, the *Jesuites*, and the practise of it made a Mark of *Antichrist*. So as I dare aver these three last years have produced more seditious Pamphlets in that kind within this one Kingdom, then all the Christian world ever saw before; to the shame of our nation, & scandal of our profession.

* *Confessio Aug. Art.* 16. *Gall. Art.* 43. *Helv.* 26. *Scot. Art.* 2 *Angl. Art.* 37.

5. Fifthly, this course of violence is contrary to all experience of former times, by which it is found that Religion hath ever been better propagated by the sufferings of the true Professors, than by force; persecution to the Church, being like pruning to the Vine; as it was first planted, so hath it been watered and fructified most by blood.

Sanguine fundata est Ecclesia, sanguine crevit.

Not by shedding the blood of others, but willingly pouring out her own. The constant patience Martyrs was the most winning Rhetorick to perswade others to the Faith; it being most likely those opinions should be true, for which they so willingly laid down their lives: at least, common pitty is a powerfull Orator to perswade with the people, (with whom the punishment makes the Martyr) that he who suffers hath a good Cause. Whereas should he make resistance to defend himself, or use violence to compel others, that might be upon other ends, of profit, vain-glory, revenge, and what not? The persecution in other places drove the Protestants hither in *Edward* the sixth's days, as to a common Sanctuary, which much advanced the Reformation in *England*, and the cruelty of the Papists under Queen *Mary* was disposed by the Providence of God to perfect the reformation both in *France* and in the *Low Countries*; whither no less than y thirty thousand strangers were banished from hence for Religion. The flames of our *English* Martyrs did but give more light to the Truth the of Gospel, which their enemies thought by that means to suppress; their Funerals were the most effectual Sermons for the peoples conversion. The bloody Massacre at *Paris* z was found to advance the Religion in *France*, and the rigorous pressing of the Inquisition made way for casting Popery out of the *Low Countries*; where the present toleration of all Religions is acknowledged by the Lord *a Brook* for a special means that makes it florish.

y *Girolam. Polli in l' Hist. Eccl.* l. 3. c. 18.

z *Meterran.* Hist. lib. 4. p. 103.

a *Disc. Sect.* 2. c. 6. p. 94.

6. Sixthly, It is against that innate principle of the Law of nature, *quod tibi fieri non vis, alteri ne feceris*. Those who plead most for extirpation of Heretiques, when it comes to be their own turn to be under the Cross stand for liberty of conscience, and declaim against persecution for Religion as a thing utterly unlawfull; so the very Jesuites, Cardinal *Allen*, and *Creswell* in his *Philopater*. And surely if we will not suffer it from others, we may not use it our selves.

7. Seventhly, it is against the Law of our land. We have always deprecated that aspersion which our adversaries would cast upon it, professing we do not punish any Heretiques with death, but

Seminaries

Seminaries for Sedition and Rebellion, not for Religion. And here I must observe that the Lords and Commons in Parliament *primo Elizabethæ* confess they had no means to free the Kingdom from the usurped power and authority of the *Pope*, but *with the assent of the Queens Majesty*; so far were they from thinking it lawfull to raise Armes for *extirpation of Popery* when it was established by the Law of the Land. (Cap. 1.

8. Eighthly, It is against the common rules of prudence and civil Policy, to use that as a meanes to propagate, which is more likely to tend to the extirpation of our Religion; I speak of the Protestant, which in the generality being not so populous as the *Roman*, if we shall extirpate them here, where we are stronger, we must expect the same measure from them in other places where they are stronger: and then, in all humane probability, our Religion is like to come to the worst in *France*, *Germany*, *Poland*, and other Popish Dominions. If they shall take the same course, what can we have in equity to object against them? *Si quis quæ fecit patitur*, he is not rightly served.

9. Lastly, it is utterly destructive to all civil Government: for if any be allowed to take up arms for propagation or defence of their true Religion, against the Civil Lawes, and will of their Prince; whosoever has a mind to rebel, may do it upon the same pretence. and ought not to be questioned by any humane authority; for though they do but pretend Religion, yet it is impossible for any Judge to convince them of such pretence; nor can any thing be urged in defence of the true Religion which may not be made use of by a false.

II. The extirpation of that ancient Government by Bishops, which hath obtained in *England* ever since the first plantation of Christianity in this Nation; to which we principally owe the reformation of that Religion we now profess, of which none have been more zealous, more able propugners than our *English* Bishops, who by their constant preaching of it, their learned Writings for it, their pious living in it, and patient dying for it, have sealed unto us that precious Faith through which we hope, by the mercy of God for the salvation of our souls; who have been the Founders or most eminent Benefactors of most

Churches, Colledges, Schools, Hospitals, and other publick Monuments of piety and devotion, which have rendred this Nation so famous abroad, and so magnificent at home. Of whose Goverment all the Clergy of this land have testified their solemn approbation at their entrance into holy orders, and to whom all beneficed Ministers have sworn abedience at their institution, and therefore (it was b M. *Bayshawes* Argument) *if ever they assent to the alteration of this* Government *they are really perjured.* Which His Majesty, and all his Royal Predecessors at their Coronation have by a more particular and solemn Oath vowed to protect: which God himself by extraordinary blessings from Heaven (as King c *James* of blessed Memory did acknowledge) hath approved and ratified. Which by the Catholick consent of the Churches of Christendome, both in *Asia*, *Africk*, *Greece*, *Russia*, and other parts of *Europe*, that never acknowledged any subjection to, or dependence on the See of *Rome*, hath been constantly embraced, and the oppugners of it universally branded for Heretiques; which in most of those few Churches that want it, by their best and ablest Members hath been frequently desired; which of all other forms hath undoubted the best title to divine, or Apostolical institution. Against which nothing is, or ever could be justly objected, but the humane infirmities and personal failings of some particular men, from which no Government is, or can be totally exempt.

b *Concerning Canons*, p. 17

c *Proclamation 1. Jacobi.*

If it be not unlawfull to swear the Extirpation of this Government so deeply rooted by the fundamental Lawes of this Kingdom (both Common and Statute) as Monarchy it self, or the new-named Soveraign Power of Parliaments cannot pretend to be built upon a surer foundation, let it be piously and prudently considered whether the same Engines by which the Covenanteers would subvert the Government of the Church, will not be of equal strength and fitness to pull up the Government of the State. Suppose neither King nor Bishop were of divine Right, certainly Parliaments are not. Suppose both Kings and Bishops fail in the performane of their trust, is there no expe lient, but the Government must be abolished? sure it is not impossible for Parliaments to be guilty of a like defailer; must they

they must be exposed to the like justice? *No Bishop, no King*, is granted to be an old received truth by *d* one who was none of the best friends to either Government. When I consult with history & experience, and behold the example of some Neighbour-Nations, I say no more, but *Vestigia terrent*. A strict account must one day be given for every drop of Christian blood that hath been shed in the common Cock-pit of *Europe* these fourscore years last past.

d *Lord Brook.* Sect. 2. c. 6. p. 87

III. If it were as certainly true, as it is prodigiously false, that Episcopacy were an *Antichristian* invention, and therefore fit to be abolished, yet it would concern our reformers to provide us of another Government before they take this away. If *Christ* did indeed prescribe one set form to be perpetually and universally observed in his Church, and Episcopacy be not that one (as we contend it is) let our adversaries first agree amongst themselves what it is, and we shall then know how to proportion our conformity to the authority and reasons of those that enjoyn it. Or if it were left at large, in the power of the Church, Catholick or particular, to ordain what form she shall think most convenient, we still demand, who that Church is, and what that Form must be here in *England*? In the mean time this is certain in it self & generally acknowledged on all hands, an absurdity so gross as cannot fall into the imagination of any Christian, that Christ should at any time be thought to have a Church without any Government; or that it should be in the power of any man (I do not except a Parliament) to extirpate the present, and so leave the Church void of all Government. I e read indeed of a Law amongst the *Persians*, that after the death of the King there should be a five dayes Cessation of all Law and Government, ἵνα διδοῖντο ὅσου ἄξιόν ἐστιν ὁ βασιλεὺς καὶ ὁ νόμος, that the people by that want might learn to know what a great blessing it is to enjoy the King and the Law. As the end was good, so in a civil State the thing was not injust. But in a Church the case is quite otherwise.

e *Serinus apud Stob. Ser.* 42.

The time was, when the House of Commons took it for an imputation cast upon them by Malignants, against whom they remonstrate to the Kingdom in these words *f They infuse into the people that we mean to abolish all Church-government, & leave every man to his own fancy for the service and worship of God: absolving*

f *Remonstrance. E. C. p.* 0

abſolving him of that obedience which he owes under God unto his Majeſty, whom we know to be intruſted with the Eccleſiaſtical Law, as well as with the Temporall, to regulate all the Members of the Church of England, by ſuch rules of Order and Diſcipline as are eſtabliſhed by Parliament. Were that Houſe now turned Covenanteers, I ſhould ſay thoſe Malignants, if they were bad Counſellors, were good Prophets. Is not all that a preſent Truth, which is here laid down as a falſe aſperſion? When the Government by *Arch-biſhops, Biſhops, Chancellors, Commiſſaries, Deanes, Archdeacons, and all other Eccleſiaſticall Officers*, is, according to the tenour of this Covenant, utterly extirpate, if *all Church Government be not taken away*, let them ſhew us what remaines; if *every man be not left to his own fancy for the ſervice of God*, let them ſay what other rule the Covenanteers have to walke by, while they are in expectation of a new *Directory*. If the *rules of Order and Diſcipline*, by which the Biſhops did govern under the King, *be eſtabliſhed by Parliament*, and no other ſo much as pretended ſo to be; if his Majeſty require obedience to theſe *rules*, according to thoſe Laws, *with the execution whereof, next under God, he is intruſted*, when the Covenanteers not onely refuſe to obey, but ſwear diſobedience themſelves, and require the like of all others, if this be not, what is it *to abſolve every man from that obedience which he owes under God unto his Majeſty?*

g *Ibid.* The ſame Authors told us at the ſame time, g *We do here declare, that it is farre from our purpoſe or deſire, to let looſe the golden reigns of Diſcipline and Government in the Church, & leave private perſons or particular Congregations to take up what Form of Divine Service they pleaſe; for we hold it requiſite that there ſhould be through the whole Realm a Conformity to that Order which the Laws enjoyn.* If the *reines of Diſcipline* be not now let looſe amongſt the Covenanteers, in whoſe hands are they? If *private perſons and Congregations* be not at liberty, what Law do's reſtrain them? If there be any new *Form and Conformity* eſtabliſhed, when was it enacted? Where may we find it?

h E.C.p.604. It will be ſaid, though they have abjured Epiſcopacy, h yet *they intend to conſult with Divines about ſetling another Form, moſt agreeable to Gods Word, moſt apt to preſerve peace at home, and unity with Scotland.*

Scotland. If it were not against the Law of God to rob the Church of all Government, as it is against the Laws of this Kingdom to abjure the present form, yet may it well be thought to be against common policy, to endanger the safety, as we have forfeited the Peace, both of Church and State, by endeavouring to introduce a new Government not yet known of what stamp it is, nor what effects it may produce. To forsake all antient and beaten paths, *Et nova & ancipitia præcolere, avida & plerunque fallax ambitio est*. Great care has been taken for the culling out of such Divines as were most likely to comply in their desires of innovations; many moneths have they set a consulting, and are yet as far from agreement as when they first met. If no form must be setled, but such as hath a concurrence of those three forementioned conditions, it is probable there must never be any setled at all. What is most agreeable to *Gods word*, next after Episcopacy, may be thought not *most apt to preserve peace*, among so many different Sects *at home*, at least not most apt to preserve *unity with Scotland*. The *Scots* are resolved their form, and none but theirs, is according to Gods Word, *i jure divino, and perpetual*: And the Members at *Westminster* were once of the same opinion, or willing to make the *Scots* believe so, when they told them *k they concurred with their own judgement touching Church Government*. If so, what need had they to call Divines to consult? Was it to be resolved in conscience whether they might lawfully tolerate what is *jure divino*, and *perpetual*? or they were resolved upon the conclusion, but the Divines must find out the premises? Or which is most probable, they never were, nor yet are, nor perhaps ever shall be agreed upon any one Government; though they all conspire against Episcopacy, as most opposite to their private Factions? For if we must have no Government but such as shall please the *major* part of the Members at *Westminster*, whether they consult the Assembly for fashion sake, or in sincerity, we are likely to have none at all. When Master Speaker shall put every particular Form to the Question, the *major part*, by reason of distraction in affection or opinion, not concurring upon any one, one by one they will all be voted out of doors. For example, *Shall the Presbytery succeed?* All the Independents, all those that

i E.C.p.598.

k Ib.600.

are affected to Episcopacy, all that are enamoured of any new platform of that prudential Government by Lay Commissioners, will with one voice cry, *Not content.* And such like for the rest; whatever form shall be proposed, there will be three to one odds against it. Till this difference be reconciled, if they will not pardon, I hope they may be intreated to reprieve Episcopacy; and till we have either found a better (which we never shall) or be agreed upon another Government, *Contenti simus hoc Catone.*

IV. But will *extirpation of Prelacy* be sufficient to glut the malice of the Covenanteers? Nothing less, there is a clause in the Covenant, which is younger brother to the, *&c.* in the Cannons, of a large extent and more dangerous consequence. For here they swear to extirpate *all other ecclesiastical Officers depending upon that Hierarchie.* That is, if they would speak plain *English*, all the Ministers in *England* that have been ordained or instituted by the Archbishops, or Bishops, or have been inducted into their charge by any Arch-deacon. I hope I need not yet press the iniquity of this consequence, but it is requisite I shew the truth of it. And let the Countrey know, that the most zealous Covenanteers in the City are composed of *Brownists, Anabaptists*, and other brethren of the Separation, who have constantly traduced the calling of our *English* Clergy as *Antichristian.* It is the 29th. Article of their ancient Confession, that not only the Hierarchy, but *The Priests and Deacons of* England *ordained by Bishops, are a strange and antichristian Ministry, and* OFFICERS *not instituted by Christs Testament, nor placed in or over his Church.* Hence it was that when Master *Ainsworth* and his Company separated from Mr. *Johnson* and his Church, it grew to a Law suit betwixt them in *Amsterdam* who should have the house allowed them by the City for their publick meetings. The *Johnsonians* objected, the other were Schismaticks; and the *Ainsworthians* would needs prove those were Apostates, that they had fallen from their first Faith: particularly, that they had placed over them *one that was made Priest by a Lord Bishops Ordination*, and had not ordained or imposed hands upon him again, contrary to their 29. Article; as also against the 32. Article of their Confession, which testifieth that *all such as have received*

1 *Vid.* Lawn, Schism *of the* Brownists. *p.* 78.

received any of those false Offices of the Lords Bishops, are to give over and leave them. The Author of the *Countermarch to Master* James *his Retreat*, endeavours to prove the Church of *England* a false Church, and to deny some fundamental points of Doctrine by this Argument; because it denieth Christs Kingdom and Prophecy, *inasmuch as it appointeth men to prophecy, to preach and administer the Sacraments by vertue of a calling which Christ hath not appointed; for the calling of the Ministers of* England *is by the presentation of a Patron, by the institution of a Lord Bishop, and by the induction of an Archdeacon, which are the meer inventions and devices of men. Therefore the outward calling is false and humane; wherefore as it was an error fundamental in Jeroboam's Church,* [m] *that Priests were made after his devising: so is it an error fundamental and corruption essential, to make Bishops, Priests, and Deacons, which have a devised Office and form of calling essentially differing from that which God left in the Church for the calling of his Officers and Ministers. The Minister must renounce his corrupt calling by the Bishop, and enter by the true calling taught by Christ. And let this be shewed by any Minister of any parish of* England, *if you can. If not, then are they still not truly called, so no true Ministers of Christ in regard of their calling.* I have laid down this testimony more at large, that I might spare the producing of any more to the same purpose out of the writings of *Barrow*, *Cockie*, *Cave*, and other Separatists; with whom nothing is more frequent than to condemn our Ministry for Antichristian, and to make it no less than Idolatry *to serve God in and by such a devised Ministry.*

m 2 *Chron.* 13. 9, 10. 1 Kings 12. 31

How many Disciples these men have in *London*, and how Orthodox this Doctrince is amongst the Covenanteers, we may guess in part, if we call to mind Master *Burton*, or who else was the Author of the *Protestation protested.* He put the question to our *English* Clergy. *What if the calling of the Ministry it self should prove a piece of popery?* And referred it to their consideration, *whether they were able to prove themselves the Ministers of Christ lawfully called, when all of them do immediately derive their Ministry from the Antichristian Hierarchy, or Papal Prelacy, as the sole foundation thereof.* This Doctrine found so much countenance even in those days, that neither the book

pp. 8. & 9.

was thought fit to be cenſured, nor the Author to be queſtioned, though his Majeſty complained of it more then once. And whether the Independents, to whom the ſpirit of expounding is moſt familiar, will not hereafter, when time ſerves, expound thoſe words of their new Covenant, *All Eccleſiaſtical Officers depending upon the Hierarchy*, according to their old wont of all the Miniſters ordained by the Lords, Biſhops, and what will be the conſequents of ſuch an expoſition (which I forbear to preſs) let the whole Clergy of *England*, and the reſt of the Kingdom, conſider and beware.

V. To ſwear or endeavour ſuch an Extirpation of Biſhops, Deans and Chapters, as is aimed at by the Covenanteers, is not only unlawfull by the poſitive Law of this Kingdom, but as in the higheſt degree ſacrilegious, utterly againſt the Law of God. To prove which, I ſhall premiſe theſe undoubted grounds of truth. Firſt, that it is [o] lawfull for any man to do with his own what he pleaſe, ſo he do not miſemploy it to a bad end. Secondly, that by the Law of God, any man may diſpoſe of his means as well, if not better, for a pious uſe (as the encouragement of Learning, for maintenance of Religion) to a body ſpiritual in ſucceſſion, as to his Heirs or Executors, or any ſecular corporation. Thirdly, that by our Laws the preſent Beneficiaries (Biſhops, Deans and Chapters, *&c.*) have as true a propriety in their Church means, as any other perſon hath in his lay-Fee. 4ly. that what is once devoted to a ſacred uſe, cannot without Sacriledge, be converted to a prophane. To which purpoſe I ſhall not inſiſt upon any teſtimony of Scripture (as having been ſufficiently done by [p] others) but only quote (what will be in ſome mens eſteem of more Force) the determination of an *Engliſh* Parliament 25. *Edw.* 1. Which declares *that lay men* (they ſpeak of themſelves as a Parliament) *have no authority to diſpoſe of the goods of the Church; But (as the holy Scripture doth teſtifie) they are committed only to the Prieſts to be diſpoſed of.*

o Mat 20.15.

Acts 5.4.

pSir *Henry Spelman de non tem. eccleſ.* M. *Sempil.* Sacriledge ſacredly handled. M. *Udals* Coal from the Altar. D. *Gardiners* Scourge of Sacriledge, &c.

From hence I ſhall infer, Firſt, that, *ex plenitudine poteſtatis*, for a Parliament to deprive any one Biſhop, Dean or Prebend of his preſent maintenance whereof he is legally poſſeſt, unleſs it be by way of puniſhment for ſome perſonal delinquency, is as high

high injustice as to disseise any other man of his free-hold without cause. Secondly, that though Bishops, Deans and Chapters, &c. saving the Right of propriety to the present Beneficiarie, *quo jure quave injuria*, should be abolished for the future, yet to convert their means from a Religious to a secular use, contrary to the known intentions and will of the Founders, cannot be excused from down-right Sacriledge, and would be the ready way to bring upon us and our posterity all those fearfull execrations with which those lands were at first devoted to God and the Church, and we should drink up the dregs of that bitter cup of Gods wrath and displeasure, of which it is to be feared, our forefathers supped too deep. The Lords and Commons at *Westminster*, in their *q Ordinance for humiliation*, confess the *Idolatry* and *blood-shed* in Q. *Maries* dayes to have a more immediate influence upon the destruction of this Kingdom, *for which to this very day was never ordained such a solemn publick and national acknowledgement of those sins, as might appease the wrath of that jealous God, against whom, and against whose people, with so high a hand they were committed.* I do from my heart subscribe to this Confession. But may I not add from *S Paul*, *r Thou that abhorrest Idols, committest thou Sacriledge?* May we not fear that the Sacriledge of King *Henries* days cryes as loud for vengeance in the ears of the Almighty, as the Idolatry of *Q. Mary*; this may seem a transient sin, which dyed with her person, but that is still intailed upon our Posterity. And we have never had any Solemn National acknowledgement of it, or publick humiliation for it. The poor Kirk of *Scotland* may in this be a pattern worthy our imitation, *s* which enjoyned a general fast throughout the Realm, for appeasing of Gods wrath upon the land for the crying sin of Sacriledg. It is not very many years ago, since a Learned *t* States-man of our own, observed the Lands of the Church did pass in valuation between man and man, at a lower rate then other temporalties; and he thought all the Parliaments since the 27. and 31. of *Henry* 8. to stand obnoxious and obliged to God in conscience, to do somewhat for the Church to reduce the Patrimony thereof: since they debarred Christs wife a great part of her *Dowry*, *it were reason they make her a competent Joynture.* But we have lived

q Feb. 1642. E.C. p. 918.

r Rom. 2. 22.

s Assembly at *S. Andrews*. 1582.

t Sir *Francis Bacons* Consid.

to

to see them of another mind; I pray God they do not bring upon this land the sad effect of that [u] ancient Prophecy, *An utter desolation by a forraign ignoble Nation, for our treason and contempt of Gods House.* That which * some of latter times did expect to see fulfilled upon us, when they observed our sins, like the iniquities of the *Amorites*, almost full and ripe for judgement, and told us the time was not far off.

[u] H. Huntington. lib. 6. R. Higden lib. 1. c. ult.

* Perer. in Gensin. 15, 16.

I do seriously perswade my self, that not a few of our Covenanteers, if the truth were known, do stomack more at the means, then at the Government of the Church. It is neither the calling, nor the persons of Bishops or Deans, but the Bishopricks and Deanaries that are Antichristian and Malignant, and so they were fairly possessed of these, they care not whether those sink or swim. If the Preabytery were as rich as Episcopacy, and this as poor as that, the case would quickly alter, and the holy Discipline be in danger to be turned out of doors. It is not conscience, but interest that makes Prelacy have so many back friends. It is therefore declared that the publick debts shall be paid out of the Estates of Delinquents and Malignants, by which they profess they understand in part all Prelates and their Dependents. This, if it were true, might be some ground in justice and reason for the Sequestration of that temporal right which these men have in their Estates; but none at all for alienating the perpetuity to a secular use; unless God himself be a Malignant; of whose Patrimony his Ministers are only *usufructuarii*: Or seeing the Covenanteers pretend to fight *Gods cause*, therefore they will make him pay their wages. If the men be peccant; they plead no exemption, no impunity; sure the means is innocent.

* 1 Tim. 3, 2. Tim. 1. 8.

The Scripture is more [x] expres in requiring *Hospitality* of Bishops then of other men, and therefore in congruity never meant they should be so straitened in their abilities. They are injurious to God, who think he would expect to reap more plentifully, where he sow'd more sparingly. If the portion assigned by him to the *Levites* under the Law, may be any rule to judge of the Ministers competency under the Gospel; their revenues will be found much above the proportion of their Brethren.

It

It will not be ſo proper for this Diſcourſe to inſiſt much upon any politique conſiderations for conſervation of the Churches patrimony; as the conſtant revenue which it affords to the Crown, by Tenths, First-fruits, and other annual charges; the ordinary ſupply by way of Subſidy, or the extraordinary by Loans and Benevolences, wherein the Clergy are ever rated above other Subjects in proportion. The fair and free Eſtates which their Tenants enjoy under them upon eaſie terms, not racked by ſuch oppreſſions and exactions as are uſually complained of from other Landlords; the many poor Officers and their families which are ſuſtained by them in a liberal and ingenious way; the great edge which they ſet upon Students in Divinity, ſo long as they remain the prize of vertue and induſtry: the grandeur, wealth and reputation, which the Cathedrals occaſion to the Cities, by the frequent reſort of ſtrangers, and others who have buſineſs to the Chapters. But if they ſhall upon any pretence be ſwallowed up by thoſe Harpies who gape after them, the Exchequer will quickly find the want; the publick burthens will lie more heavy upon the common people; their Tenants will be reduced to the hard conditions of other Neighbours; their under-Officers with their wives and children, if they cannot dig, muſt be enforced to beg; the poor will miſs of their almes; and when the reward of piety and learning is taken away, nothing but Barbariſm and Ignorance will ſucceed in the place.

If nothing that hath been ſaid will move with the Covenanteers, who have conſpired the ruin of this flouriſhing Church, let them examine, whether their intended rapine upon the means of this be not directly contrary to the Doctrine and Diſcipline of the Church of *Scotland*, which they ſwear to preſerve. Their grand Reformer *John Knox* y letter upon his death-bed commands his brethren of the Aſſembly at *Sterling*, *with ſtrength in God, to gainſtand the mercileſſe devourers of the patromony of the Church, If men will ſpoile, let them do it to their own perill and condemnation. But communicate yee not with their ſinnes, of whatſoever eſtate they be, neither by conſent, nor yet by ſilence. But with publick Proteſtations make this known to the world, that yee are* y Aug. 3. 1571.

innocent

innocent of ſuch robberies, which will ere long provoke Gods vengeance upon the Committers thereof, whereof ye will ſeek redreſs of God and man. The firſt *Book of Diſcipline* defines the Churches patrimony to conſiſt not only in all manner of Tithes, but *in all things doted to hoſpitality in times paſt, with all annual rents both to Burgh and Land*; and declares all thoſe who had got any of it into their hands, *to be thieves and murderers.* Their ſecond *a Book of Policy* is more full in ſetting forth that patrimony, and concludes, *that to take any of it away, and convert to the particular and prophane uſe of any perſon, is deteſtable ſacriledge before God.* One of their *b* Aſſemblies appointed M. *Robert Point* to write a Treatiſe againſt Sacriledge; and *c* another laments the growth of it, *to the utter undoing of the Church, and ſtaying of the planting of the Goſpel; to the overflowing of the land with Atheiſm, and all kind of vice; there being above four hundred Pariſh Churches deſtitute of the Miniſtry of the Word by and about the Pariſhes of* Argile *and the Iſles.*

2. 1566. c. 9.

a Cap. 9.

b Edenb. 1591.

c Ibid. 1595.

Let then our Covenanteers be well adviſed, if not for Juſtice ſake to the Governours of our Church, if not for charities ſake to their Dependents, if not for Honours ſake, as they expect to hear in other Nations and after ages, yet for Gods ſake, for conſcience ſake, for their Oaths ſake, for the doctrine of *Scotlands* ſake, let them not rob the Church under colour of reforming it.

VI. I muſt here ſubjoyne by way of appendage, that conſidering the King at his Coronation hath bound himſelf by Oath, to defend the Rights and Liberties of the Clergy in general, and more particularly of the Biſhops, if he ſhould give them up for a ſacrifice to the will of their adverſaries, and upon any ſuggeſted grounds of policy paſs away their Rights without their conſent, (which they are bound in conſcience to conſerve) though in ſuch a caſe their Allegeance ties them not to reſiſt, yet (with humble reverence and ſubmiſſion be it ſpoken) I know not how he ſhall ſtand excuſed before God or man from the foul crime of perjury; and therefore it muſt be unlawfull for any to endeavour to force his aſſent to an act ſo contrary to his Oath, as is this intended by the Covenant.

For clearing of this point, I ſhall grant, firſt, that no Oath is obligatory

ſigatory beyond the true intention of it. Secondly, that any Oath taken for the benefit of another may be releaſed by the conſent of that party for whoſe behalf it was taken; or otherwiſe it may not, * though it be to the Takers own loſs. Hence I infer, firſt, that the Kings Oath for the preſervation of the publick Lawes of the Kingdom, doth not bind him preciſely to the perpetual obſervance of all thoſe which were in being at the time when he firſt took his Oath, ſo as to exclude his conſent to any future alteration; but only ſo long as regularly they continue in force: and that when the Lords and Commons in Parliament, as repreſenting the Kingdom, ſhall petition for any alteration, the King, if he ſee cauſe, may conſent unto it, notwithſtanding his former Oath, as having a relaxation from the Kingdom to whom he ſwore. But ſecondly, his Oath to the Biſhops and Clergy, being not a publick but a particular one, he cannot, *ſalvo juramento*, without their conſent, give way to the making of any new Law in derogation of their liberties which he hath ſworn to defend.

* To this purpoſe ſee the Oath of the Princes of *Iſrael* to the *Gibeonites*, Joſh. 11. 15. though not approved by the people, *verſ.* 18. yet was the breach of it ſeverely puniſhed by God himſelf. 2 *Sam.* 21.

The Subject of the Legiſlative power in any State, though by reaſon of the Supreme *jus dominii* over the perſons and goods of all the Subjects, he be above Law, yet will not that make him above his own Oaths and promiſes to particular perſons. For a Law gives a right againſt the Law-givers, only ſo long as it is a Law, that is, no longer than till it pleaſe them to repeal it. But a Promiſe or Oath made to another, gives right againſt him that made it, as long as the Creditor pleaſeth. Were it not thus, the publick Faith paſſed by the King and Parliament were of leſs value than any private mans bond, they might void it when they pleaſe; all promiſe of pardons granted to Rebels or other Delinquents might be reſcinded, and no ſecurity could be had by them. The reaſon I conceive to be this, the King here, and whoſoever in other places is the Subject of Supreme power, though they be originally free from any engagement to inferiour Subjects, yet (if they will) they may in ſomethings bring a reſtraint upon their abſolute Supremacy, *Unuſquiſque poteſt cedere jure ſuo*, as well for the advantage of particular perſons of their own Dominions, as to Princes, or people of another Nation. Which if they do, their own act ſhall bind them; in juſtice, if it were but

a bare promise; but in Religion and Conscience, if it be confirmed by an Oath deliberately taken, and the matter it self be not unlawfull. For this superadds a religious band unto God, from which they can neither free themselves, nor any other absolve them, unless those in behalf of whom it was taken do release their interest. If this were not so, no Oath could be binding unto them.

I will not deny but sometimes there may be just occasion for a King or State to make use of their supreme power to the present prejudice of particular persons, as in case of invasion to destroy a private mans goods, that they may not come into the enemies hands; but then, I suppose, they are bound in conscience and equity to make him reparation out of the Common-wealth for his private losses, deducting so much as he for his part should be liable to bear in the publick charges. Which if they shall refuse to do, and will use their *summum jus* to another mans injury, there is no remedy *in foro humano*, but they must answer for their injustice at a higher Tribunal.

Here is now the case of our *English* Clergy; the Bishops, Deans and Chapters, *&c.* have not only a present personal Estate in their Baronies and other Temporalities, as good in Law as any Freeholder in the Land; but the body of the Clergy have a perpetual Right in succession; both which his Majesty hath by many reiterated *d* Protestations vowed to maintain; and by the solemn *e* Oath at his Coronation (which hath been so often pressed to other purposes) sworn *to keep the Laws, Customes and Franchises granted to the Clergy; to preserve and maintain to the Bishops and Churches committed to their charge, all Canonical Priviledges, and due Laws and Justice, and to be their Protector and Defender to his power, as every good King in his Kingdom in right ought to protect and defend the Bishops and Churches under their Government.* After the solemn emission of all which Oaths and Protestations, as it were a great sin if his Majesty upon temporal ends or by-respects, without any offence of the Clergy, should put their persons out of his protection, much more if he should cancel all their ancient Rights, and alienate their means, the thought whereof his righteous soul abhors; so they cannot be excused

d E. C. p. 23.
e 291. 355.

excuſed from the guilt of perjury, who either by ſly inſinuations ſhall go about to incline, or by armed force labor to compel him to the breach of his Oath. The former may be the practiſe of evil Counſellours, the latter is the deſign of theſe Covenanteers. I will not define, which are more inexcuſable; their ends may be the ſame, the main difference is the means, and this it is; *theſe* would extort injuſtice from their Soveraign, *thoſe* would perſwade him to it, and ſo by making him leſs unwilling would make him more guilty: if the God of Heaven, in whoſe hands are the hearts of Kings, do not, (as hitherto he has done) ſtrengthen him with ſufficient Grace againſt the ſubtilty of the one, as with power againſt the violence of the other.

VII. If all the particulars in the ſecond Article were indeed criminal, yet they ought not to receive equal puniſhment; much leſs ought *all perſons without reſpect*, whether truly or ſuppoſedly guilty of them, be (as is here vowed) *in like manner extirpate*. Nature hath made a difference in crimes; Religion and Law admits of a diſtinction betwixt perſons, but this Oath confounds all. Divines were wont to diſtinguiſh of Papiſts, betwixt *Seducers* and *Seduced*; *Heretiques* and their *Adherents*; thoſe the Laws have ſentenced to death, but allotted to theſe a milder animadverſion, as of whom it may be true which *Salvian* ſpoke of ſome *Arians*, *affectu piæ opinionis errant*. But from theſe rigid Covenanteers a ſeduced Lady muſt expect no more mercy than a profeſſed *Jeſuite*. Nay, the King himſelf if he be but prelatically affected, muſt look for no better meaſure. By their own confeſſion his perſon is in danger. If we look back upon what paſſed betwixt his Majeſty and the two Houſes upon that occaſion, we ſhall find them thus reaſoning againſt his going into *Ireland*. † *If your Majeſty ſhall go, you will very much endanger the ſafety of your Royal Perſon. Which will be ſubject not only to the caſualty of War, but to ſecret practiſes and conſpiracies; eſpecially, your Majeſty continuing your Profeſſion to maintain the Proteſtant Religion, which the Papiſts are generally bound by their Covenant to extirpate.* Now then, his Majeſty continuing his profeſſion to maintain Epiſcopacy, which theſe men are generally bound by their Covenant to extirpate; ſhall not his ſacred perſon, by the ſame

† April 18. 1642. E.C.p.141.

consequence, be subject to the like practises, from them who have added this clause more then the Papists had in their Covenant, to extirpate all without respect of *persons*?

The consequent hereof is a thing in it self so horrid and injust, that the sober Writers against Monarchy, have not been ashamed to profess, that be the crimes of Kings never so prophane, yet their persons ought to be sacred, not to be violate, not to be touched. And some of the most active Well-willers to the *Cause* have granted thus much truth to us, that difference in Religion makes no difference in the Right of Kings.

Disc. Sect. 1. 9. p. 49. The Lord g *Brook* professeth, he is not of their Judgement who say, None that are without the pale of the Church have right to any thing here below, *but clearly conceives a heathen Emperor may be as lawfull a Monarch as any Christian Prince.* And I shall subnect this reason to it; because Temporal dominion respects men, as they are *men* in a civil politique capacity; not as they are Christians, Papists, Protestants, of this or that Religion. We need not fetch precedents from forreign Countries, the approved practice of our own Kingdome will confirm us in this truth, After the death of *Edward* the sixth, when the Protestants could see nothing in Queen *Mary* but what threatned ruine to their persons, and (if it were in her power) to their Religion too, yet they never questioned her right of succession to the Crown, because she was a Papist. Nor did the Papists upon that ground oppose against Queen *Elizabeth* in the first Parliament of her Reign.

If it be needfull to add any examples from Scripture, we shall there read that divers Kings of *Israel* were Idolaters, h *Solomon*, *Amaziah*, *Manasseh*, *Amon*, and though the i Law was punctual that Idolaters should be put to death, yet we shall never find that either the people did, or the Prophets exhorted them to attempt any thing against the persons, or to withdraw their Allegeance from the Government of those idolatrous Kings.

1 Kings 11. 5 2 Chro. 25. 14. 33. 3, 22. Deut. 17. 2.

This present Oath then is in that particular injust, because it provides not for the safety, but implicitly vowes the destruction of his Majesties person, in case he be thought obnoxious to *Popery*, *Prelacy*, *Superstition*, *Heresie*, *Schisme*, or *Prophaneness*: all which

which the Covenanteers ſwear to extirpate, *without reſpect of perſons.*

VIII. Thoſe *Malignants* or *evil Inſtruments*, whether truly ſo called, or falſely ſuſpected, muſt all be brought to their *trial*, and *receive puniſhment, as the degree of their offences ſhall require or deſerve, or the ſupreme Judicatories of both kingdomes, or others having power from them for that effect, ſhall judge convenient.* So as, though the ſuppoſed offence of a *Malignant* do not *deſerve* to be puniſhed without confiſcation of his Eſtate, with death, or bands, yet if it *require* it, or if the ſupreme *Judicatory*, (what that means, I do not queſtion) nay, if any inferiour Judge delegate from thence, ſhall think *it convenient*, be the crime what it will, never ſo ſmall, never ſo great, be the law for puniſhment of it, never ſo expreſſe, all this is not conſiderable, theſe Judges are not tied to any rules of Law, but *convenience.* If they think *fit*, the killing of a thouſand men ſhall be leſs capital then the cutting of a dogs neck. Treaſonable words againſt a worthy Member ſhall be ſeverely puniſhed, but againſt the King they ſhall paſs unreproved. What though there be leſs juſtice, there is more *convenience* in the killing and ſlaying all ſuch as are made Delinquents by Vote, then in diſcouraging ſuch as are Traitors by Law?

For any Judicatory to arrogate a power of puniſhing offenders, meerly *as they ſhall judge convenient*, and condemning them *becauſe they will*, though *the degree of the offence do* not ſo *deſerve*, is moſt tyrannical and injuſt; and to delegate ſuch a power to others as they cannot challenge to themſelves, is to propagate injuſtice for convenience ſake. In this Covenant ſuch a power is pretended to be due to ſome, and deriveable upon others, and all the arbitrary exorbitant ſentences, which either thoſe ſupreme, or theſe delegate Judges ſhall think fit to paſs all the Covenanteers ſwear to endeavour.

CHAP. X.

That the Covenant is repugnant for those general ends for which it is pretended to be taken.

HAving dispatched the *Efficient* and *Material*, we proceed to examine the *Final* Causes of the Covenant, which are set down in the Title and Preface to it; they are (we confess) very good in themselves, but such is the Nature of the Covenant, that the taking or observing of it, is either inconducing to, or utterly inconsistent with those proposed *Ends*, and therefore unlawfull.

I. The first main *End* is pretended to be here, what in Truth should be the supreme *End* of all humane actions, *The Glory of God*. However some seduced Zelots may have an actual intention of referring this their Oath to that end, yet the thing in it self being incapable of any such relation, there cannot be a greater profanation of Gods ordinance, or indignity offered to his Honour, than the abusing of his Name to unlawfull Acts, *Uti Deo ut fruamur mundo*. They who least reckon of his glory are most ready to make use of that pretence. All the Popes Bulls thundered out against Princes, did ever begin, as this Covenant doth, with a *Nomine Domini*, *Having before our eyes the glory of God*. There is nothing more certain, then that the sinful devices of men do not conduce to the glory of God.

II. The next general *End* is said to be Religion, pure Religion, a common cloak for Rebellion in all ages, — *Sapius olim*, *Religio peperit scelerosa atque impia facta.*

The *Sicilian* Vespers, the Massacre at *Paris*, the Gun-powder Treason, were all, forsooth, pretended to be *for the advancement of the Kingdom of Christ*, *for the reformation and Defence of Religion*. By which I suppose the Covenanteers understand the true Protestant Religion in opposition to Popery. Yet I am confident this course of theirs tends more to the advancement than extirpation, not only of Popery properly so called, of that Pope which every man hath in his own belly, but even of *Romish* Popery:

ry; and ſerves rather to confirm that Antichriſt in his Throne, then any way to weaken his force. I am quite of another mind then [a] Mr. *Henderſon*, had the Pope of *Rome* known what was done that day, when he made his ſpeech at *Weſtminſter*, it would have made his heart dance for joy, to ſee the Proteſtants mutually vowing the deſtruction and extirpation of one another.

[a] Covenant with Narrative p. 32.

Hoc Ithacus velit. This is not the way to unite our ſelves againſt the Common Enemies, [b] *who are the better enabled by our diviſions to deſtroy us all.* When Bears and Lions go together by the ears, it is victory to the Shepheard if both be deſtroyed. We are now doing that of our own accord, which the Pope with all his arts and induſtry could never bring about. He prayes for the continuance of our Wars, as the eſtabliſhment of his peace, with that old *Roman*, *Maneat, queſo, duretque gentibus, ſi non amor noſtri, at certe odium ſui. Quando, urgentibus Imperii fatis nihil jam præſtare fortuna majus poteſt, quam hoſtium diſcordiam.* They who, in cold blood pronounced the peace and quiet of the Kingdom to be the [c] *only viſible means under God* to preſerve the Proteſtant Religion, if they now ſwear no peace, but utter extirpation —— *Jurata Nepotibus Arma* —— ſure the care of Religion is the leaſt thing that troubles them.

[b] E.C. p. 21.

[c] E.C. p. 36.

This then is one means whereby the Covenant advanceth Popery, confeſſed and viſible, our diſtractions amongſt our ſelves, there is a ſecond more cloſe, which I doubt the *Jeſuites* and other Emiſſaries make as much uſe of, to the ſeducing of weak ſouls. Namely, that the Covenanteers here in *England* have left, as to themſelves, no viſible Church, no known rules of Doctrine, no ſet form of Government and Diſcipline, and therefore they begin in *London* to erect new Church-Societies according to every mans fancy and humour. This is falſe for the main ground, for as our King, ſo our Church, is ſtill the ſame, *Nunquam obſcura nomina, licet aliquando obumbrentur.* Both under a cloud in ſome places; but though they do not ſhine in their full luſtre, yet are they not ſo darkened, but any may ſee them, who do not wilfully ſhut their eyes againſt them.

I muſt not repeat, what I have proved already, that this reformation intended to be brought about by the Covenanteers, (as it is already

already begun) by force of Armes, raiſed by Subjects againſt the Law, to which they ow, and the Prince to whom they have ſworn obedience, is a thing not only unwarrantable, as contrary to the word of God, the nature of Religion, the practice of the true Church in all ages, and the experience of former times, but even againſt the rules of prudence and civil policy.

III. The third *End* propoſed to this Covenant, is the *Honour and happineſs of his Majeſty and his poſterity*. Where the King muſt of neceſſity be underſtood in a perſonal, not in a politique capacity, for in *that* only he can be ſaid to have poſterity, in *this* he never dies. Now for his ſpiritual happineſs it muſt be granted, the many injuſt provocations from theſe Covenanteers have afforded him ſufficient matter of Chriſtian patience and meekneſs, for which he may expect a more eternal weight of glory in the heavens, having on earth had ſo deep a ſhare in that royal vertue, *Bene facere & male audire*. But how far their former actions and ſo in likelihood their preſent intentions, are oppoſite to the perſonal Honour, and temporal Happineſs of his Majeſty, let them ſpeak and the world judge. If [d] whatever violence be uſed againſt any that exerciſe the *Militia, cannot but be taken as done againſt the Parliament*; by the ſame reaſon, whatſoever is done or ſaid againſt thoſe that execute his Majeſties Commands, he cannot but take as done againſt himſelf: much more thoſe aſperſions caſt upon His Anſwers, Meſſages, Declarations, Proclamations, and other avowed actions of his own, tend immediately to his diſhonour. The ſcandalous [e] imputations upon his Government, forged in the ſame ſhop with this Covenant: the defamations and invectives againſt his Perſon, ſuggeſtions againſt his ſincerity in Religion, if not countenanced never puniſhed, though often complained off, were theſe to his Honour? The ſeiſing and detaining of his Towns, Forts, Magazine, Navy, Houſes, Children, was this for his *Happineſs*? Directing their Cannon more eſpecially againſt that part of his army at *Edge-hill* and *Newbury*, where his Sacred perſon was known to be, was this for his *Safety*? If theſe things be diſhonourable in themſelves, it matters not by whoſe command they were done; that doth not alter their nature, and make them ceaſe to be ſo. Whether their thoughts of his Children and Poſterity

[d] *E.C.p.* 80.

[e] Ib. *p.*67, 86.

Posterity be so full of Honour as they here give out, we shall be glad to know by their fruits hereafter; and, unless those reveal themselves to the contrary, shall not further question the truth of their pretensions.

IV. The fourth *End* of the Covenant is *Liberty*. The common frontispiece to all popular Rebellions. *Libertas & speciosa nomina prætexuntur; nec quisquam alienum servitium & dominationem sibi concupivit, ut non eadem ista vocabula usurparet*, What a precious conserve of publick Liberty, what a Soveraign Antidote against any growing Tyranny this Covenant is like to prove (which is principally enjoyned for the support of those mens power, who, under pretence of defending, have already destroyed whatever had the face of liberty by an unheard of Tyranny) may be easily discerned by presenting some few of their exorbitant invasions upon the common liberty of the Subject.

I am unwilling to be ever beating upon that harsh string, the *Liberties* of the Clergy, which by the f Laws of this Land are none of the least. Suffering the people to abuse the Bishops that they might complain, and then punishing them for complaining: turning them out of those walls where they had sat ever since there was a Parliament in *England*: usurping the power of the convocation, in refusing to pass such Subsidies as they had freely granted, and imposing others upon them without their consent; Determining without and against their advice, in matters of Religion and Ecclesiastical cognizance: Substituting in their place other Factious spirits, neither chosen by the Clergy, nor approved by his Majesty; dispersing printed Tickets, inviting all men to accuse them, and publishing to the world the most odious extracts of those accusations. before any proof made of them, or the parties appeared to their answers; a thing as full of scandal to the Religion of the accusers, as of injustice to the parties accused, Fineing, Imprisoning, Sequestring, and depriving them without any due process of Law; all these and more I could press, but if the Liberties of other Subjects have been preserved entire, I am content the Clergy suffer.

f *Magna Charta cap.* 1.

We have been informed at large by the g House of Commons wherein the Liberties of the Kingdom consist, and how they were infringed before this Parliament. If there be any particular

g 1 Remonstrance of the State of the Kingdom.

mentioned by them, wherein the Covenanteers have not equalled or exceeded all former pretended violations from the Crown, let our ſenſe of the preſent conſer with our memory and experience of the former times, and freely pronounce, whether that Remonſtrance had more of Hiſtory or of Prophecy.

Thoſe diſtempers which before aſſaulted, never till now *overwhelmed and extinguiſhed the Liberty, Peace and Proſperity of this Kingdom, nor weakened and undermined the foundation and ſtrength of the Royal Throne.*

The forced *Contributions upon the Propoſitions* are executed with more cruelty upon refuſers, then any monies formerly taken up by *Commiſſions of Loan.*

The *Petition of Right and Priviledge of Parliament* have been inſufficient to protect either other Subjects, or the Members of that great Councel, from Fines, Impriſonments without Bail or *Habeas Corpus*, from tryal of ſome, and Execution of others by *Martial Law.*

b E.C.p.121.§6 *Tunnage* and *Poundage* are received,[b] contrary to an Act made this preſent Parliament, without any colour of Law or precedent to warrant it.

Shipmoney and *Monopolies* are revived under the new name of *Exciſe*, to the value of many thouſand pounds a moneth. A thing on their part ſo odious and illegal, that they who now impoſe it did once ſeem ſo far to deteſt it as to put out a Declaration,[i] calling it, *A ſcandal raiſed againſt them by Malignants.*

i Ib.p.638.

Not only *private intereſt*, but publick faith hath been broken by them, in neglecting to pay the *Scots*, according to agreement, employing that, and the money raiſed for relief of *Ireland*, to the maintaining of unnatural War in the bowels of *England.*

The Covenanting Committees have committed more rapes upon the common Liberty in one year, than all the Courts of *Star-Chamber* and *High-Commiſſion* from their firſt Erection.

Judges have been taken off the Bench by armed men, and ſent to Priſon, for refuſing to do againſt their Oaths and Conſcience, as Judge *Mallet.* Others have been ſo awed, that they durſt not do their duty; and better to hold a rod over them, they have been impeached and committed for *High Treaſon*; yet brought to

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ſit upon the Bench again before any Trial or Sentence of Abſolution as Judge *Bartlet*. Commands have been ſent to prohibit their proceedings in ſeveral caſes.

Juſtice and Jurors have been ſuperſeded from enquiring upon Routs and Tumults, and the common Juſtice of the Kingdom hath been obſtructed by *Ordinances*, prohibiting the holding of *Aſſiſes*, notwithſtanding the General Proteſtation for the *courſe of Juſtice*.

New Oaths are enforced upon the Subject without Law.

The uſuall courſe of pricking Sheriffs not obſerved, but mock-Sheriffs appointed by a new forged Broad Seal.

Maſter *White* and his aſſiſtants triumph in the Suſpenſion, Sequeſtration, or Depravation of many painfull, learned and pious Miniſters.

Many noble Perſonages and other Patriots, are Parliamentmen in name, but the Power and Authority is wholly devolved upon a few, whoſe reſolutions and determinations (if they be brought at all) are only brought into the Houſe for countenance and execution, not for debate and deliberation.

All military charges encreaſed and exerciſed: Souldiers, againſt their will, daily preſſed by *Ordinance*, contrary to an Act made this Parliament.

Are we any whit the more ſecured in our perſons or eſtates, ſo long as *the root of all theſe evils* is not truly taken away, but only tranſplanted? Which was acknowledged to be the *Arbitrary Power* (formerly pretended to be in his Majeſty, but now uſurped by the Covenanteers) *of taxing the Subjects without conſent by Act of Parliament*. If the blow be the ſame, it ſmarts as ſore whatever hand inflict it: To change our Maſters is not to be free. If they truly confeſſed, (in the caſe of *Hull*) it were in them *an Act of high injuſtice ſhould they deſtroy mens properties*, when we ſee them daily do it, muſt we call it therefore juſt? They have urged againſt the King what holds ſtrongeſt againſt themſelves; *If by Law they might charge the Subject for defence of the Kingdom in time of danger, they were ill adviſed that deſired aid of the Subject in ſuch times, and engaged themſelves (*we know they have done*) without a* ſalvo jure, *for repayment. Amitting it* k E.C. p. 858.

should be so, that without this power of impoſing Contributions *it were impoſſible to defend the people, it follows not that therefore they may* impoſe ſuch Contributions. *l* If Mr. *Pym's* excuſe be yet authentique, the ſame Law that enables them to raiſe Forces for defence of the Kingdom, enables them to impoſe Taxes for maintaining them, *otherwiſe that power were vain and uſeleſs*, it will ſerve the King in good ſtead; he it is who is entruſted with the power of defending the Kingdom; he to whom the two Houſes themſelves ſue for protection; he to whom they confeſs *m All mens perſons, lands, and monies, are ſubject for the publick good.*

l Ib. p. 846.

m Ib. p. 700.

V. The laſt general end of the Covenant is *Peace*: it is true, the Chief Covenanteers did once profeſs their deteſtation of a Civil War, *n If it might be avoided without alteration of Religion*, which they conceived to be the main *End of their enemies*, and ſuch as would draw with it *loſs of liberty, and ſubverſion of Law*. This now appears to be their own *main End*; for what elſe is intended by their Oath for *Reformation of Doctrine*, and *extirpation of the Government* in our *Church*? What was it that *altered* the Popiſh Religion into Proteſtantiſm, but *Reformation*? And do not theſe aim at a greater *alteration* both in Doctrine, Diſcipline, Government and Worſhip, than ever the Papiſts went about?

n Ib. p. 464.

If they had been cordially affected to Peace, we had never been driven to theſe ſad extremities of War. They might have had it before the Sword was drawn or a blow ſtruck; no new Religion was preſſed upon them, no Law denied which might conduce to the publick ſafety. Since the war begun, ſeveral Treaties for accommodation have been proferred to them; the moſt rejected, others made fruitleſs by them. But if war be the only means to procure Peace, if weakening and impoveriſhing the Kingdom be the way to preſerve it, what hopes have we but in deſperation? May they not yet have Peace, if they will embrace it with the ſame Religion, the ſame old Laws? A gracious pardon is freely offered to all that will accept it. *The happineſs of a bleſſed peace concluded between the two Nations*, what hinders the continuance of it? Extirpation of Church-Government was no condition of that Pacification.

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Certainly, then these destructive wayes of the Covenanteers do not lead immediately to it, but are they likely to end in *Peace*? Yes, when they have extirpated all opposers, *Ubi solitudinem fecerint, pacem appellant.* Yet I doubt of that too. The chance of Warre is uncertain; they could not bring their ends about when they had more strength and lesse opposition; which if they shall ever do, they must know that Lawes made by the Sword are but short-lived, they will be unmade so too. Do they hope so throughly to root up the Royal Vine, and spoil the Branches, that there will not be left ὅσον ὀπισθεῖσαι, so much as to power upon the Goates hornes? there will never be wanting a Title to the Crown; and justice, or compassion, or faction at home will finde, and interest abroad will lend a sword to defend it.

Besides, it will ask some time to extirpate Popery, Prelacy; Delinquents, Malignants, *&c.* who being all declared Traitours, and by this Covenant devoted to destruction, sure they will sell their lives as dear as they can; they can expect no worse by fighting than they must undergo by submitting; it is more honourable to die by the sword, than by the halter, *Moriendum victis, moriendum edditis; id solum refert novissimum spiritum per laudibrium & contumelias effundant, an per virtutem.*

But say the Covenanteers should at last be masters of their most improbous desires, the Kingdome by that time will be so exhausted of men and money and other necessaries, by a long War, and the consequents of it, Plaugue, Famine, and Decay of Trade, that it will be exposed for a prey to any stranger that shall think it worth invading, who cannot want as fair a colour as the *Scots*, either to interpose as Mediators, to propagate their religion, to protect, or rescue, or revenge their injured friends. Or if all other States should be asleep while our house is on fire, what security can we have from our dear Brethren of *Scotland*; who, though it be in Gods Cause will not work but for their wages? and to enhanse those they may protract their service so long till all our Treasure will not pay them; and they who come to be partners, will at last look to be masters: Ask the stories, which will not flatter, what was the event of calling the *Saxons* and *Normans* into this Land, We have nothing to secure us from

the like now, save only the innate candor and veracity of the Nation, so much famed in their own, and ours, and forreign Histories. *Sic notus Ulisses* !

Major. Leste. Hall. Harding. Sabellicus.

But if the *Scots* should prove as honest as they are wise, would there be any certainty of Peace among our *English* Covenanteers? I conceive not. Consider them of two sorts, the engaged out of conscience, the other for politique ends. For the first, how shall so many different Sects be reconciled, who are bound by their Oath to extirpate all Schism? They must fall to it pell mell, the Presbyterians, *Brownists*, and other Separatists must fight it out. It is not a Parliamentary power that will restrain them. The same principles which are produced now against the King, will serve then against the States. Their obligations are reciprocal, and if their Excellencies fail in their Trust, they know what follows. If any insolent demand of popular zeal be not hearkened to, presently *Ad arma*. Any turbulent *Volero*, any factious *Bontefeu*, may set a City on fire, but it requires pains and skill to quench it. *Quippe in turbas & discordias pessimo cuique plurima vis; pax & quies bonis artibus indigent.*

For the *second* sort of Covenanteers, the Politicians, though their stomacks be stayed for a while, and the common enemy do yet unite them, when he is taken out of the way, those coals of dissention, which can at this time scarce be smothered, will then burst out into open flames. *Essex* and *Waller*, *Manchester* and *Willoughby*, *Denbigh* and *Purefey*, *Brereton* and *Ashton*, will then try the strength of their parties. The hopes of sharing the means of the Church, and Delinquents Estates, and succeeding in the chief places of Honour and profit in the Kingdom, which now whets their swords against those that hold them, if they miss or fall short of those hopes, will set as sharp an edge upon them against their new Rivals; they must needs fall out about dividing the spoile. For the preferments being not equal in number to the Competitors, some must be put by; and perhaps those that are advanced, will complain it is below their merits, when every man shall set the rate upon his own Treason, but a few will be satisfied. This will beget new discontents, and those will beget new fears and jealousies, and these will require

new

new Officers of State, such as may be confided in; and what *Peace*, what safety is like to be in the end of all this? Very little, unless some of the Royal Race again, as *Augustus* in the *Roman* State, *Cuncta discordiis civilibus falsa, nomine Principis sub Imperium accipiat.*

CHAP. XI.

That the particular Ends of the several Articles are likewise inconsistent with the matter of them.

I. AS the whole Covenant is either inconducing to, or inconsistent with the general *Ends* for which it is pretended to be taken; so are the several Articles of it to those particular *Ends* which are specified in them. The *Reformation* vowed in the first, by such a violent course as they now endeavour it, we have already proved to be no means, but rather a hinderance to the growth of Religion, and so to that *Life in faith and love, and cohabitation of God among us*, which is the end proposed to that Article. The like violent *Extirpation of Prelacy* (which is no sin) vowed in the second, is so far from preventing the inconvenience there mentioned, *partaking in other mens sins*, that all who vow it, are thereby guilty of sin; much more they who attempt to do it in such a *disorderly way*; and most of all those, who by fear or threatning, (which is a moral compulsion) force other men to enter into their Covenant, who are either perswaded in conscience of the iniquity of it, or cannot take it without reluctancy and doubting, and so not without sin. These men making it a touch of other mens affections, and the refusal of it a pretence to spoil and plunder, so causing them to swear, who, if they do, must forswear; are most properly and truly partakers *in other mens sins.*

II. Lastly, Their end of swearing the third Article to maintain the Rights and Priviledges of Parliament, and the Kings person and Authority, is said to be, *That the world may bear witness with their consciences of their loyalty, that they have no thoughts or*

intentions

intentions to diminish his Majesties just power and greatnesse. This is vain and impertinent, for the world cannot see into their *consciences*, nor judge of their *thoughts* and *intentions*, otherwise than by their actions. It is acknowledged by the Lord [a] *Brook*, *That Powers are God's Ordinances set over us for good, and that Kingdomes certainly in holy Writ have more for them than any other Government.* But let the *jus Regium* be never so much by Scripture, our King must be allowed no more then he can entitle himself to by the Law of the Land, nor so much neither by the good will of the Covenanteers. That the world may have some evidence to passe sentence upon, we shall propose a few particulars, wherein the Kings *just power* hath been *diminisht*, if not abolished by the Master-Covenanteers.

a Disc Sect. 1. c. 8. p. 42.

1. The Kings of *England* have been anciently so fully invested in the *Legislative Power*, that most of the Common Laws we are now governed by, do owe their creation or conservation to the meer mercy of the Conqueror. *Magna Charta* was first granted by *Henry* the Third [b] *of his meer free will.* [c] Other Statutes which pass in number, and have still the force of Acts of Parliament, are directed as private Writs, with a *Teste meipso*, and the common stile of most others runs in this strain, *The King with the advice of the Lords, at the humble petition of the Commons, wills, &c.* The form of Passing Bills, which is still observed, is *Le Roy le mult*, and *Soit fait Comme il est desiré.* Hence some have collected, that the *Rogation* of Laws belongs to the two Houses, but the *Legislation* to the *King*; that their Acts is *Preparative*, his only *jussive.* The Covenanteers have not only *diminished*, but [d] contrary to their Declarations, utterly deprived him of this so *just*, so necessary a power without which he cannot perform his trust, nor discharge his Oath to his Subjects. For they [e] challenge him as bound to pass all Bills that shall be presented to him as for the good of the Kingdom; whereby they do not leave him so much power as the meanest Cobler that gives a voice in the Election, or the Burgess that is returned and sits in Parliament for any Borough. For any of these may freely Vote in the passing of any Bills; and when there is an equality of Suffrages in the rest of the Members, his single voice may carry it, and make

b 9. Hen. 3.
c 14. Hen. 3. 21 Hen. 3. 3 Ed. 1, &c.
d E. C. p. 709, 710, 715, 727.
e Ib. p. 706.

make that Bill a Law, or no Law. But the King must not meddle in election of Members, he must not take notice of any Bill, till it be brought unto him for his assent; and in case he refuse, it must be a Law without him. Witness the Ordinance for the Militia, [f] and that for Tunnage and Poundage: besides infinite others to which his consent was never so much as asked, yet are they put in execution with rigour answerable to their power.

[f] *Ib. p.* 93. & 121.

2. The King has a *just power*, as to divers other purposes, so [g] to pass Acts of Parliament by his Great Seal. In *diminution* of this power, they have declared against his forced absence from *Westminster*, as illegal; and made an Ordinance that all things passed by him under that Seal shall be void.

[g] 33. *H.* 8. *c.* 21.

3. The Kings *just power* in declaring Law has been formerly so great, that his Letters have been taken for sufficient Warrants and directions to the Judges to proceed by; and his [h] Proclamations to severall purposes of no less force then Acts of Parliament. But now that power is wholly [i] protested against as illegal, and protection is promised to all such as shall oppose it. Yet the ground of it (declared in the Preface to that Act 31. *Hen.* 8.) is still the same, *The Supremity of the Regal Power given by God*; and the reason of the [k] Repeal is quite ceased, which was *a willingness in the King to gratifie his People, and upon trust that they would not abuse the same, but rather be encouraged with more faithfulness and diligence to serve his Highness.*

[h] 31. *H.* 8. *c.* 8. & 34. *H.* 8. *c.* 23.
[i] *E. C. p.* 305. 449, 483.
[k] 1 *Ed.* 6. *c.* 12.

4. The Kings power in executing Law hath been alwayes conspicuous, and undeniedly *just*, in granting out Commissions of *Oyer* and *Terminer* for the holding of Assises, [l] and in adjourning the Term to what place he should think fit; a power as anciently due, so of late acknowledged in an Act made this Parliament *for the abbreviation of Michaelmas Term*. Yet have the Covenanteers [m] forbid any Assises to be kept; they have voted the Kings removal of the Term to be against Law, and promised to keep indemnified all Judges and others that shall disobey his Majesty's Proclamations in that behalf.

[l] 28. *Ed.* 1. *c.* 3.
[m] *E. C. p.* 194. 898, 931.

5. The power of making Justices of Peace is so entirely the Kings by [n] Law, that it depends wholly upon *his pleasure and will*. Yet would the Covenanteers *diminish* this power, for they [o] re-

[n] 27. *H.* 8. *c.* 24.
[o] *E. C. p.* 909.

quire that such may be put out of Commission as they desire; and such put in, as were removed without their consent.

6. The power of pardoning is so inseparably and absolutely the Right of the Crown, that the [p] Law estates it *wholly and solely* upon the King. And it is not long since the Covenanteers did [q] confess as much. Yet is nothing more frequent in their Ordinances than to promise protection for the time to come, and impunity for the time past. And does not their Covenant vow the punishment of all Delinquents, without any hope of pardon from his Majesty or themselves?

p 27. H. 8. c. 24.

q E. C. p. 270. 715, 901.

7. The Kings power over his Household, and the choice of his Officers is so *just* and reasonable, that they have not stuck to [r] acknowledge *it an undoubted Prerogative to dispose of preferments in his own Family*. Yet, next to the robbing of the Church, nothing is more aimed at than to rob his Majesty of this piece of Soveraignty, to get the disposal of his Servants and marriage of his Children into their hands: as the nineteen Propositions first informed us, and their actions since abundantly confirm.

r Observations upon Mr. *Eliots* letter, E. C. p. 486.

8. *The Law hath placed in the Kings Person a power to protect all other persons:* as [s] themselves confess *in terminis*; and to desire him to part with this power, is such a supposition as cannot fall upon a Parliament. Yet has it been long, and still is their utmost endeavour to devest His Person of that power, by excluding him out of the exercise of the *Militia*, to deprive him of all those means whereby he should protect both himself and others, by declaring his [t] *personal* commands, of what nature soever, to be of no force; and by putting such a [u] distinction betwixt his *Person* and his *Office*, as under colour of defending *this*, exposeth *that* to the vilest attempts that any Traitor can plot, or any Assassine commit.

s E. C. p. 727. 710.

t Ib. p. 271.

u 727.

9. That Supremacy of Power which the Law placeth in the King [x] *over all States*, as well as over all particular persons, which all the Subjects of this Realm, and the Members of Parliament more particularly are bound by Oath to acknowledge and maintain, which they grant to be due unto him, when they desire him [x] *to protect them in their priviledges*, and challenge such protection, as due from him; when they make all their addresses unto

x 1. *Eliz.* c. 1.

x E. C. p. 5. & 738.

to him by way of Petition, and style him constantly in their Acts their *only Soveraign Lord*. Yet the Covenanteers endeavour to disseise him of this supreme power, some by making the Houses *coordinate* with him, others by making him *subordinate* to them, and upon that ground justifying their taking up Armes against him.

10. Lastly, though the power of calling and dissolving Parliaments, as well as the appointment of the time and place, hath ever [y] belonged to the Kings of this Realm, yet is this [z] denied to be any Prerogative, and advantage taken from a late Act, contrary to the Kings intention and the Kingdomes expectation, contrary to the equitable meaning of that very Statute; contrary to the promise of the Authors, to the inestimable prejudice of his Majesty, and the great grief of his Subjects, who are hereby deprived of the benefit of all other good Laws, and more particularly of that for the frequency of Parliaments.

y See the Preface to the Act for a Triennial Parl.

z E.C.p.701.

First, it is undoubted, neither King nor Kingdom ever thought to have seen the sad effects of that Act for continuance of this Parliament which they now feel.

Secondly, the Act it self, though it be not limited to any determinate time, is in its own nature but temporary. It was made for a transient cause, that the Houses *might finde credit for the raising of such money as was then necessarily to be advanced*, [a] as accordingly they did. And that rule in the Civil Law, *Cessante causa cessat Lex*, the Lords and Commons have [b] declared to hold good in Acts of Parliaments; thence concluding that Act 5. *Hen.* 4. for the Commission of Array to have expired with the cause of it, though it were never repealed.

a E.C.p.10,15, 17.

b Ib.p.876.

Thirdly, they did promise [c] that *the gracious favour of his Majesty expressed in that Bill should not encourage them to do any thing, which otherwise had not been fit to have been done*. They having failed in the performance of that trust, whether is not his Majesty in equity free from that restraint which in confidence of their loialty he brought upon himself? And if they shall refuse even to consent to an Act for Dissolution, as unwilling to part with that Paramount power which they have now possessed themselves of, whether is the King and Kingdom left without redress? or may it not be

c Ib.p.203.

lawfull for him to resume his ancient Right? Especially considering the House of Commons did [d] profess to the Kingdom, that the restraint of the Royal power in that particular, was not to take it out of the Crown, but to suspend the execution of it, *for that time and occasion only*; which occasion is now over, and the time long ago expired.

[d] *Ib. p.* 17.

It is full time that the Bill for the Triennial Parliament take place, at least once in four years; if not those other two [e] Laws for holding a Parliament once every year. If they be still in force, what hinders but they may be put in execution? Nothing but the rigid interpretation of that clause in the late Act, which requires that this Parliament shall not be dissolved, *unless it be by Act of Parliament to be passed for that purpose.* Yet Custome or Desuetude are allowed to prevail against those very Laws which are made with special provisions, that no Custome or Desuetude shall prevail against them. Suppose all the Members should be taken away by death before any Act passed for the Dissolution of this, were it not in the Kings power to call another Parliament, because the Act for continuance of this is not repealed? Those two former Statutes of *Edward* the Third, though never repealed, yet were as good as void by disuse. When Parliaments in that Kings time were made so frequent, they became a burthen to the Subject; and therefore it is found requisite in the reign of his Successour to make a penal [f] Law to enforce the Members to obey their Summons. And I find in the [g] History of those Times, that the Clergy granted a Tenth, and the Laity a Fifteenth to the King, upon condition, that he should not call any more Parliaments within the year, *Scilicet à Calend. Mart. usque ad festum Sancti Michaelis anno revoluto.* The non-observance of which condition is objected to that King. So far different was the opinion of those days from these of ours, concerning annual or perpetual Parliaments.

[e] 4. *Ed.* 3. *c.* 14. & 36. *Ed.* 3. *c.* 10.

[f] 5. *R.* 2. *c.* 4.

[g] *Walsing. An. Dom.* 1380.

Though all former Statutes are repealed by the latter, even then I suppose in judgement of Law, when there is no special mention made of any Repeale, and notwithstanding the former require to stand unrepealed; unless it be by special Act. Which clause may be thought of as little use in this case, as that we meet with

in ſome of our Statutes, which pronounce themſelves perpetually to be obſerved, *notwithſtanding any Act of Parliament made or to be made to the contrary*; this will not protect them againſt a future alteration or repeal. Yet I will not affirm that *the Act of Pacification*, though it was made ſince the Act againſt *the Diſſolution of this Parliament*, is *an Act paſſed to that purpoſe*, however there be ſomething in it that may be applied that way. For it buries in forgetfulneſs, not onely all acts of hoſtility, which might be conceived to ariſe upon the coming of the *Scotiſh* Army into *England*, but all Counſels having relation thereunto; *that the ſame, and whatſoever enſued thereupon, trenching upon his Majeſty's Honour and Authority, be held and reputed as if no ſuch thing had ever been thought or wrought.* It is too apparent, that the former Act for continuance of this Parliament, *trencheth* very deep upon his *Majeſty's Authority*, and had a very near *relation* to the buſineſs of *Scotland*; being obtained for the more eaſie raiſing of money towards the payment of the *Scots, and concluding a firm peace between the two Kingdomes.* Beſides, there is a ſpecial *proviſo* in that *Act of oblivion, that it ſhall be no prejudice of the brotherly aſſiſtance promiſed to the Scots*, (which aſſiſtance was agreed on by Act of Parliament) but no *proviſo* for ſaving any other Act incompatible with this; and we uſe to ſay, *Exceptio firmat regulam in non exceptis.* But where the words of the Law are ambiguous, we muſt not preſume to faſten our own ſenſe upon them, but ſubmit to the Declaration of the Law-giver, the King, who by the advice of his learned Council (without calling a Parliament) may expound the Law where it is doubtful, as his Predeceſſors [h] have done in other caſes.

[h] *Dyer. f. 376.*

It is further obſervable, that the ſame Statute which ſays, this Parliament ſhall not be diſſolved, ſays alſo, it ſhall not be *adjourned unleſs it be by Act of Parliament to be likewiſe paſſed to that purpoſe.* Yet we know the two Houſes [i] did, and lawfully might, adjourn themſelves from *Weſtminſter* to *London*, without any Act paſſed to that purpoſe. Why then may not the King command them, at leaſt their chief Committee, *to adjourn* from that place where they now ſit, to ſome other of more ſafety, where all the Members may freely meet and conſult? If the freedom of

[i] *Jan. 1642.*

the

the place be so necessary to all Councils, that the want of it hath been ever objected, and that justly, as a nullity to all their proceedings, and in particular the supposed Design of bringing an Army to aw the Parliament, or any attempt of force against the Members, have been truly [k] declared an endeavour *to pull up by the root, and totally to subvert the Parliament*; and to tend to the *destruction* of the very *being of Parliaments*; if the want of freedom and safety be truly [l] declared a thing *inconsistent with the nature of that great Council*: Then undoubtedly so long as *Westminster* does not afford security and freedom to the Members, so long no true Parliament can be there, *which should be as free from apprehensions of Force, as from imputations of Faction.*

k E.C.p.657. 695.

l Ib.p.100.

I would willingly learn, but I cannot find a Teacher, wherein the *Fundamental Laws* of the Land consist. For if the taking away the Kings power to dissolve, adjourn, or prorogue Parliaments, be against the Fundamental Laws, [m] then *no Statute makes it good.* Now whether the perpetuity of a Parliament do not tend to the alteration of the Government, and so be against the Fundamental Law; whether the forced exposition of the late Act against Dissolution, extending it beyond the time and occasion for which it was made, do not make it as good as perpetual. VVhether this do not make way for the finall ruine of all Parliaments, in case the City should be surprised by an Enemy, the King or Members all taken away by Death, before any Act be passed for Dissolution. VVhether for defect of an Act it may not be dissolved by *Ordinance*, by the same Fundamental Law by which this new Oath is imposed; whether it be not good in Reason, yet it must be good in Law, that a Body Politick may decree by what death they will die, by Act, by VVrit, by Ordinance, by loss of the Head, or by consumption of the inferiour Members; these are scruples which others may resolve.

m E.C.p.887.

But if Treason be *a charge which a Parliament cannot be capable of*, as they [n] declare it is, and I believe it to be true; because perhaps, as some *Romish* Doctors have asserted the Popes infallibility, teaching that he cannot erre as Pope, for if he do, he ceaseth to be Pope, so if the *major* part of one or both Houses shall consent unto, approve or command any treasonable Act, they thereby

n E.C.p.654.

by ceaſe to be a Parliament; who are preſumed in Law to be no leſs than they profeſs, *His Majeſties faithful and loyal Subjects*. Then if the Members at *Weſtminſter* by raiſing War againſt the King, [o] by forging a new Great Seal, and declaring the old one, [o] 25.Ed.3.c.2. by which they were called and do ſit, to be of no force; by calling in an Army of ſtrangers, or by any other Act or Vote of theirs, be truly guilty of that charge, they are no longer to be looked upon as a Parliament.

Laſtly, if the equitable ſenſe of the Law may take place here, which has been preſſed ſo much in other caſes, it muſt be acknowledged that the Eſſence of that great Council does not conſiſt in the place, but the perſons: for the place may be changed, yet the Parliament remain ſtill the ſame. When we ſee far more of the Lords with his Majeſty than at *Weſtminſter*; when we finde upon ſtrict account that the *major* part of the *Commons* are either driven away, or have deſerted that *Cauſe*; when we obſerve how many Members of the either Houſe do daily hazard, or have already ſpent their lives in the ſervice againſt it; when we weigh their qualities, abilities and eſtates with whoſe of their oppoſites, and finde them to be men of the beſt ranke in their Countries, of known integrity for their lives, of unſpotted zeal to Religion, of ſound judgement and knowledge in Law, of publick thoughts to the good of the Kingdom, as well as loyalty to the King, which hath engaged them in this War, by which they have loſt more already than the oppoſite Faction ever had, and expect to gain nothing but the teſtimony of a good conſcience; when we conſider how many of thoſe that are moſt active at *Weſtminſter*, by reaſon of their undue election, had never any right to ſit there, and ſuppoſe that many others ſtill remaining, are not always carried along with the ſtream; when we remember by what means the Biſhops (who are acknowledged by Parliament to repreſent one of [p] the three Eſtates of the Realm) were thruſt out, contrary to the [p] 1.Eliz.c.2. Fundamental Law, and how by that means all ſucceeding exorbitancies have been falſly fathered upon the Parliament: we cannot but pronounce upon theſe premiſes, that the *Parliament* is in truth for that cauſe which is owned by his Majeſty, and not for that which paſſeth under the falſe uſurped name of King and Parliament.

CHAP.

CHAP. XII.

The true End of framing and enjoyning this Covenant, the bringing in of the Scots, absolutely unlawfull.

HAving done with the many ſpecious and pretended Ends of the Covenant, we are come to the true End of Covenanting at this time, which the Schools would call *Finis applicationis, & finis operantis.* This in particular perſons may be divers, as the deſire of advancement in ſome, the hope of impunity in others; but the main general End which firſt ſet the Contrivers on work about framing this Covenant, and keeps them ſtill at it, by preſſing it upon this Kingdom, was the bringing in of the *Scots.* [a] The Covenant is one of the *poſtnati* of that Kingdom, it was begotten and born in *Edinborough*, onely our *Engliſh* Commiſſioners played the Midwives, and helped to lick it over into ſome faſhion. Unleſs the Faction in *England* would engage themſelves and their Adherents in ſuch a Combination, thoſe conſcientious Brethren of *Scotland* refuſed to aſſiſt in this Rebellion; as they are now ready to do, being upon their march to invade us. A thing ſo repugnant to the Weal of this Kingdom, that no true *Engliſh* heart but will abhor the mention of it; and ſo unjuſtifiable in reſpect of them, that no *Scot*, who has any ſenſe of Religion to God, of gratitude and duty to their native King, or of brotherly charity to his neighbour-Nation, will ever dare to draw his ſword in this quarrel.

[a] *Vide* Covenant with a Narrative, & the Declaration of the Scots.

I. *Firſt*, how far it may endanger the being of this Kingdom to admit an Army of ſtrangers into her bowels, none ſuch an infant in diſcretion or Hiſtory but is able to diſcern. The calling in of Forraign Force, if it were not Treaſon by Law, is a thing ſo odious in Nature to any that is touch'd with affection to his native Countrey, that his Majeſty's greateſt Enemies could not ſuggeſt a calumny more malicious againſt him, nor more powerful to ſteal away his Subjects hearts from him, than by giving out that he intended to make uſe of forraign aid when they ſuppoſed they had brought him to ſo low an ebbe, that he would never

never find ſufficient ſuccour from his own Subjects. They are now driven to as great an exigency, & make no ſcruple of acting that courſe, which no neceſſity would ſuffer to enter into the Kings thoughts. Such was his tender care and fatherly affection to His people, He choſe rather to run the hazard of his own ruine, then owe his preſervation to any hands but ſuch as God ſhould raiſe up in his defence among His own Subjects. Theſe wayes of the Covenanteers do both juſtifie the *Commiſſion of Array* againſt all their former objections, which grant it lawful in *the coming in of ſtrange enemies*; and if His Majeſty ſhould follow their example, and hire an Army to aſſiſt him from ſome other Nation, whatever were the conſequents of it, they muſt bear the blame that firſt led the way, and he would be clear before God and man.

II. Secondly, this intended invaſion is ſo injuſt in reſpect of the Scots, that all who hear of it muſt cry ſhame upon them, who at the ſame time enter into a ſolemn Vow *inviolably to obſerve the Articles of the late Treaty of Peace betwixt the two Nations*, and *to endeavour that they may remain conjoyned in a firm peace and union to all poſterity, and that juſtice may be done upon the wilful oppoſers thereof*; and at the ſame time ſeiſe upon *Berwick*, and put a Garriſon in it, contrary to an expreſs Article of that Treaty of Peace ſo lately *concluded and ſetled by both Parliaments*; and are now upon the point to pour an Army into this Kingdom; whereby it appears, that though we made peace with them, they made none with us: & we conclude, as a former [b] Parliament did againſt them, that it were *better for us to be at open war with them, then under ſuch a feigned peace.*

[b] 7. Hen. 7. c. 6.

III. They cannot ſay, nor do they pretend, that any one Article was violated upon our part, unleſs it were by thoſe whom they come to defend. What cauſe then have they for this invaſion? Is it for their own neceſſary defence? Nothing is threatned, nothing intended againſt them. Is it to revenge an injury we have done them? If any were done on either part, we have dearly paid for it already, and by the *Act of Oblivion* all former bitterneſs ſhould be forgotten; but *Chi offende, non perdona*: they wronged

us so much, they will never dare to forgive us. Is it for the lawfull recovery of any right that we have taken and detain from them? Nor so, nor so. What then is it which may give any colour of justice to this expedition? Forsooth; *no other then the good of Religion in England, the deliverance of their Brethren out of the deeps of affliction, the preservation of their own Religion and themselves from the extremity of misery, and the safety of their native King and his Kingdomes, from desolation and desolation.*—*Ad populum phaleras.*—We must be very silly if we be cheated with such fair words.

1. Concerning the first we have already disputed, and (I hope) proved, that it is not lawfull to propagate Religion by Armes. Nor is it true that those whom they call their Brethren in *England* suffer any thing for their Religion, or need shed one drop of blood in defence of that power without which Religion (as they pretend) cannot be defended. It has alwayes been, and still is, the passionate desire of his Majesty to preserve the Protestant Religion, and the just power of Parliaments. He has often proffer'd, and is still ready to perform, to pass any Laws that shall be presented to him, for hindering the growth of Popery, and securing the just priviledges of Parliament. He has onely refused to consent to such an alteration in Religion and Government as the Enemies of our peace would force upon him, under the general name of, *Reformation*, who are not yet agreed what is meant by it more then *Extirpation*. And therefore if the *Scots* should sit still and hold their peace, they need not fear the curse of *Meroz*, when they look upon the cause which these men maintain. Which if it were indeed (what it is not) the cause of Religion, it were but common to them *with other Christian Churches*, which lie *groaning* (as they tell us) *under the yoak of antichristian Tyranny*. If the *Scots* think themselves bound in Conscience, and have any calling or Commission from God, to be the Catholick Reformers of other Nations, they should do better to begin their Reformation in other Popish Countries, where there is more need of it, and where less exception can be taken to it; where it may be free from any suspicion of Rebellion against the

Prince,

Prince, as being not their own Native King; and of ingratitude and perfidiousness to the Countrey, as having not received equal courtesies from them, nor entred into the like union and pacification with them, as they have done with *England*. God forbid that those weapons which our money hath put into their hands, should be drawn to cut our own throats, or that our Kingdome should be ruined because they think it fit to be reformed.

2. And concerning the *second*, if they do not enter into *England* and lift up Arms against their own King, who (as they confess) hath promised and done as much for them as may secure them in their Religion & Liberties, we shall never blame them. But if they shall conceive of themselves, or be perswaded upon reports from hence, that those who adhere to his Majesty in the present quarrel, are none but a Popish, Prelatical and Malignant party, whereas it is evident to the world that the greater part of this whole Kingdome sides with the King, otherwise their assistance had never been implored, never purchased at so high a rate; that many thousands of the best repute for Religion towards God, and affection to their Countrey, to the certain damage of their estates, and hazard of their lives, do appear in this cause upon no other incentives but of Conscience & Loyalty; it is but a groundless pretence in the *Scots* to talk of providing for their own preservation against those that mean them no harm. No pretended experience of former times, much less any principles of their own Declarations, or conceived jealousies of the vindictive disposition of the *English*, can warrant them before God, or clear them to the world, if they shall take advantage of our present weakness, and attempt a conquest of us now, because it is possible, if we once recover of these distempers, and be united amongst our selves, we may be strong enough to resist them hereafter. Nor is there any necessity that the condition of one Kirk and Kingdome, either in Religion or Peace, should be common to both: the present evidence of their quiet and our unrest proves it otherwise. And if we should ever be restored to our right wits & former quiet, whether they consider the peaceable disposition of his Majesty, His Princely Clemency towards

all, and tender affection He has ever born to His Native Countrey; or the Loyal disposition of His adherents in these troubles, falsely called, Malignant and Prelatical, whose constant practise hath ever confirm'd their Doctrine of subjection to the Magistrate, and to whose profession and interest nothing is more repugnant then a Civil War, by which they may lose all, but are sure to gain nothing; or they consider the present condition of this whole Kingdom, harrased and spoyled by these intestine divisions, which will certainly produce this good effect, that if once we see an end of these Wars, we shall better know to value Peace hereafter, and not be easily engaged again. From these grounds of common reason they might conclude more solidly, more charitably, that whatever be the event in *England*, if they do not embroyl themselves without cause, they may for ever enjoy their Religion and Liberties, and need not fear an after-clap from hence. And let them remember thus much more of *Israels* leading into captivity, that they never revolted from their God, till they first revolted from their King; Rebellion led the way, Idolatry followed after, and both ended in Captivity. God preserve both them and us from such a judgement. But let them take heed how they dally with edge-tools; how they make solemn Oaths to God, Protestations to the world, promises of Peace and Union to their neighbours, when they intend nothing less; How they begin a National War against us, without any provocation from us, or previous denunciation from them; contrary to the late Treaty; onely upon conceipt, that if the power of this Kingdom be recovered into those hands out of which it was wrested by violence and injustice, we may possibly, acccording to the Treaty, within three moneths denounce War against them.

3. And concerning the *third*, if the question be not whether they should presume to be arbitrators in the matters now debated by fire and sword, betwixt His Majesty and those whom they call the Houses of Parliament, which is truly forreign and extrinsecall to that Nation, they having no relation to, nor dependance upon the two Houses or Kingdom of *England*, onely they owe

owe subjection to the same King; why then, after their mediation hath been rejected (as they suppose) by both sides, upon confidence of their own strength and several successes, or unwillingness to receive conditions from Strangers, should they think it their duty, though it be in their power, to press that Ecclesiastical Government upon us by force of Arms, which his Majesty hath often declared he will not, and the two Houses have never declared that they will accept? They have vowed the destruction of all those that adhere to his Majesty, under the name of Malignants and evil Instruments; and when they come with an Army to pay this Vow, call they this *stopping the effusion of Christian blood?* To hew out their way by the sword through all the forces raised for a guard to His Person, amongst whom he has yet been safe, whose actions have been as full of Loyalty as their adversaries professions; is this *to rescue their native King, His Crown and Posterity out of the midst of dangers?* To help to sacrifice the greater part of this Kingdom to the malice of those by whom they are declared Traitors, is this *to preserve his people from ruine and destruction?* What if every private man be bound in duty to interpose himself as a reconciler betwixt his neighbours armed to their mutual destruction? Must they therefore help with armed force to destroy the one party at variance? is this *the part of a Reconciler?* What if the Son hazard his own life for the preservation of his Father at variance with his Brother? Must they therefore take up arms to endanger the life of their King, their Civil Father, to side with a company of Schismaticks that flatter them with the name of *Brethren?*

III. When they ask, *Shall a Kingdome sit still, and suffer their King and neighbouring Kingdome to perish in an unnaturall Warre?* I shall answer this question to their own content; it is not fitting, it is not lawfull. But let me in courtesie ask them another. When a Kingdome hath taken notice of a difference debated by fire and sword betwixt their own King and some of his Subjects of a neighbouring Kingdome; when they have solemnly vowed *not to give themselves up to a detestable indifferency and neutrality in that cause*; when they have observed that

that the main point in controversie is because the King will not consent to alteration of some Laws already established, which he holds himself bound in conscience to preserve; after the whole Clergy in their [c] National Assembly have promised *to keep the people under their charge in obedience to his Majesty and his Laws, confessing it a duty well beseeming the Preachers of the Gospel*; after their whole [d] Kingdom has sworn *with their means and lives to stand to the defence of their dread Soverain, his Person and Authority, in every cause which may concern his Majesty's Honour, with their friends and followers, in quiet manner or in armes, as they shall be required by his Majesty*; after they have acknowledged in their National Covenant, that *the quietness and stability of their Religion and Kirk, depends upon the safety of the Kings Majesty*; and have therefore universally protested and promised under a solemn Oath and hand-writ, upon fearful pains and execrations, [e] *to defend his Person and Authority with their goods, bodies, and lives, against all Enemies within the Realm and without, as they desire God to be a mercifull Defender to them in the day of their death, and coming of our Lord Jesus Christ*; after Nobility, Gentry, Burroughs, Ministers, and Commons of that Kingdom have confessed themselves, [f] *bound by all the ties of Nature, Christianity, and Gratitude, so fully satisfied and perswaded of the Royal Zeal, and constant resolution of his Majesty, to preserve the Lawes and Liberties of his Kingdomes, that it were the height of disloyalty and ingratitude, if they should harbour any scruple or thought to the contrary, having so many real and recent evidences of his Royal goodnesse, justice, and wisdome, in setling and establishing the true Religion, the Lawes and Liberties of that his Kingdome, to the full satisfaction of all his good Subjects*; after all these vows, promises, and protestations, how can they be so strangely given up to folly and wickedness, as to think it *their duty, it being in their power*, to come with armed Force to end our quarrels, by taking part with them to whom they owe no *duty*, and fighting against that part which is owned by his Majesty, to whom they stand bound *by all the ties of Nature, Christianity, & Gratitude*, who has left nothing undone that might give them con-

[c] Petition presented to his Majesty, *Jan.* 1642.

[d] Supplication of the general Assembly. *Edenb. Aug.* 2. 1639.

[e] 2 Parliam. of K. *Charls* Act 5. concerning the Ratification of the Covenant.

[f] *E.C.p.* 257.

content? Certainly, if they shall so far forget or cast behind their backs all these solemn vows and professions, they will one day rise up in judgement against them. And if they shall hearken to the call of the Enemies of our Peace, and come to assist them in this unnatural War, as they threaten to doe, though in the time of animosity and appetite of revenge, such Invasion may be well taken by those who invite them to help to destroy their Brethren: yet afterwards, when the eyes of the mind, no more blood-run with passion, do discern things aright, it will be a grief and offence to all true English hearts, to see how they have sold themselves slaves to a viler Nation; and they may be more united to cast them out, who were so ready, upon the advantage of their Divisions, to thrust themselves in.

I shall in the mean while put them in mind, that there was a time when they had, if not a juster Cause, a better colour for Invasion of *England*; yet then they so far disclaimed all intentions of it, as to call the bare mention of it, [g] *The despightfull and deviliſh calumny of the diſnatured Enemies of their Kirk and Kingdome.* I am commanded to forget what they did then; but if they shall now verifie those calumnies, and falsifie all their solemn Oaths, though the King and this Kingdome should not be able to call them to account, there is a God in Heaven that sees all their hearts, and will judge all their actions. And they cannot be ignorant that all the colours which they use in excuse or defence of their intended expedition, may with equal, nay better, reason be alledged by any other Nation, that have a mind to oppress and subdue upon pretence of assisting us, of providing for their own safety, or coming to compose our Differences.

[g] In their instructions concerning the Covenant, 1638.

CHAP.

CHAP. XIII.

From these Premises the Covenant is concluded unlawfull, in respect of the Form.

HAving thus deduced at large the several Illegalities of this *Holy League*, both in respect of the *Efficient* and *Finall* Causes, but especially in respect of the *matter*; it naturally follows that we conclude it in the last place to be likewise unlawfull in respect of the *Form*. For whereas the nature of an *Oath*, *League*, *Covenant*, or *Vow*, requires that it be holy, just and good, *This thing* being a Confederacy of *Subjects*, against the will of their Sovereign, pretending many good, but intending a bad *End*, swearing many things in themselves unjust and contrary to all Law, Divine and Humane; the Covenanteers by labouring to induce the *Form* of a solemn *Oath*, a sacred *Covenant*, a religious *Vow*, upon a matter so indispos'd and incapable of such a *Form*, do profane the Ordinances of God, and give that which is holy unto Dogs.

Any simple *promise*, in respect of the *Form* or nature of it, is apt to create an obligation of civil honesty, trust, and *fidelity*: if it be mutuall by way of Contract, as a *League* and *Covenant*, it induceth a further tie of *justice*: if a *Vow* be joyned to it, this superadds a band of *Religion*: if all these be confirmed by a solemn *Oath in the presence of Almighty God, the Searcher of all hearts, with a true intention to perform the same, as we shall answer at the great day, when the secrets of all hearts shall be disclosed*, it is not capable of any further addition; this is truly [a] confessed to be *the strongest obligation that any Christian, and the most solemne publique Faith that any State as a Parliament can give*.

[a] Protestation of the Lords & Commons, Oct. 22. 1643. E.C. f. 564.

In an *Assertory Oath* we make God our witness; and if we speak not Truth, we make Him a Lyar. In a *Promissory*, we make

make God our Surety, and should we fail in performance, we cast an imputation of perfidiousnesse upon Him, as if he were not faithfull in his promises. In a Vow we make God our Creditour, we plight our Faith to Him, and when that is confirmed by an Oath, he is both our witnesse and Sponsor too. So as to sport, and play at fast and loose with these many religious obligations were little lesse then to deny Him. He that makes no conscience of an Oath, though he do not speculatively believe God a Lyar, or a promise-breaker, yet practically he deales with him as if he were no better.

The more sacred this Band is in it selfe the more religious caution ought every man to use before he enter into it, even then when it is conversant about a lawfull *object*. But if any shall dare to prostitute this holy Ordinance to profane Ends, and stamp their unjust actions with the impression of it, it is such a crying sin against God, that I dare not promise them any remission. I have heard of some whom I knew, and therefore will not name, ὲκ ὁυκ ἀίζω τυχὸς, who after they were induced by perswasions, or feares, or other worldly considerations to take this Covenant, their conscience was so thunder-struck with the horror of their sin, that their own bloud spilt by their own hands was not sufficient to wash away their guilt; and I cannot tell whether they found any place for repentance though they sought it with more then teares. If their case be so desperate who are enforced to take it, what shalt wee think of those that enforce it? Let them sequester our Estates, we care not; God will either provide us more, or give us grace to be content with lesse; if they take away our meat, he will take away our hunger. Let them imprison our persons, we thanke them, so they leave our conscience free. But O, let them not by threatning death to the body, if we refuse their Covenant, destroy our Souls by taking of it. Let them remember and abhorre the example of that wicked miscreant, who having his Enemy prostrate at his feet, promised him life if he would deny his Saviour, and when he had don so, immediately slew him, making his proud blasphemous boast that he had murthered both body and soule at one blow.

God in mercy open their eyes, that they may see the errour of their wayes; then they will confesse, what is certainly true, that this their new Covenant being taken without Authority, and contrary to their former lawful Oathes of Supremacy and Allegeance, was void from the beginning; and does not bind them to any thing but what I heartily wish they may finde in the end, *Repentance.*

FINIS.

ERRATA.

Page,	Line,	For,	Read
2	2	γομῳ̃	γυμῳ̃
10	4	entoned	enjoyned
20	7	So	dele
29	25	Do	go
41	42	many	dele
45	6	it	is
45	6	life	live
58	15	Majeſtrate	Magiſtrate
59	2,3	in margin	24
61	18	he is	is he
62	6	abedience	obedience
66	12	a	as
78	2	for	to
87	4	falſa	feſſa
88	25	mulc	ve ult
95	19	whoſe	thoſe